

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 1st day of February 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
Andrew Geist	Building Inspector
Andrew Benz	Chief of Police
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."

**POWER POINT PRESENTATION BY ED LEAK, RECREATION DIRECTOR
ORCHARD PARK RECREATION: 2011 YEAR IN REVIEW**

Councilmember Kaczor introduced Ed Leak, Orchard Park Recreation Director, who directed the audience to view the screen for the presentation of photographs and testimonials from the past year. Mr. Leak stated that he was particularly proud of the Recreation Staff, as reflected in the testimonials. He stated that the Recreation Department also collaborates with other civic groups to hold special events, which are free to the residents. Mr. Leak stated that there is a Youth Sub-Committee, which plans additional events. Corporate Partners in the business community have helped with financial assistance and in some instances, in-kind services. He gave the figures showing the increase of participation, revenue and efficiently for the Town. He credited this success to the Recreation Chairperson, Audrey Ramage, Recreation Liaison, Councilmember Dave Kaczor, Assistance Director, Kristin Santillo and active members of the Recreation Commission, Gerard Cappelli and Roland Pigeon.

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 held on January 18, 2012 and the Executive/Special Session Meetings held on January 18 & 25, 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.

New Business #1 Town Board to Accept Resignation from Recreation Commission

2) 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 Julie Mampe from the Recreation Commission, effective immediately.

The resolution was unanimously adopted.

New Business #2 Town Board to Accept Resignation from Youth Board

3) 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 Louise Flynn from the Youth Board, effective immediately.

The resolution was unanimously adopted.

New Business #3 Town Board to Amend 2011 Town Budget

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

WHEREAS, the Police Department has received D.A.R.E donations, and

WHEREAS, the Town’s Police Department wishes to use these donations to purchase materials and supplies to further the objectives of the program, and

WHEREAS, the Town Board hereby does support these program objectives and desires to authorize the use of such donations,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the amending of the Town’s 2011 Budget to increase estimated revenues and authorize additional appropriations as follows:

Increase appropriation account:	
A.2989.0419 – Police – D.A.R.E. Expenses	\$5,772.69
Increase estimated revenues:	
A.0000.2705 – D.A.R.E. – Gifts & Donations	\$5,772.69

The resolution was unanimously adopted.

New Business #4 Safety Week Proclamation

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

WHEREAS, the Western New York Safety Conference, Inc. has taken great pride in the safety of people both on and off the job, and has implemented wide reaching programs for safety education and accident prevention, and

WHEREAS, this program has become an example and a model for all businesses and industries, and has served as a reminder for many of our residents to be more concerned with their own safety at home and at work, and

WHEREAS, it is a pleasure to extend this proclamation on behalf of our Town of Orchard Park to the **Western New York Safety Conference, Inc.**, which will host the 76th Annual Safety Conference and Trades Exhibit at the Grand Island Holiday Inn on March 14, and March 15, 2012, and

WHEREAS, the **Western New York Safety Conference, Inc.**, should be commended for its continuing and progressive safety programs, urging our citizens to support all such efforts to promote safety both on and off the job.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Orchard Park, in the County of Erie, in the State of New York, hereby proclaims the week of March 11th through March 17th as **SAFETY WEEK**.

The resolution was unanimously adopted.

New Business #5 Resolution in favor of Medicaid Mandate Relief

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

WHEREAS, the Association of Erie County Governments urges the State Legislature and Governor Cuomo to fulfill their promise to provide significant mandate relief by gradually taking over the local share of Medicaid by supporting and passing bipartisan bill S.5889-B and A8644, and

WHEREAS, in most of the 50 states Medicaid is financed almost exclusively with state and federal tax dollars, in New York State, approximately 30% of the non-federal cost of Medicaid is paid through local taxes. In Erie County our taxpayers pay at least 85% of the local property tax toward Medicaid, and

WHEREAS, with the recently enacted 2% cap on property taxes, towns, villages and counties simply cannot continue to meet this state mandate with slashing other essential local services such as senior services, veteran's services, law enforcement, parks, and road maintenance, and

WHEREAS, New York State property taxpayers are paying the highest taxes in the Nation, State lawmakers can fund the takeover with a combination of Medicaid program reforms state-derived savings, applying cost containment as well as by allowing federal health care reforms to cover New Yorkers, and

NOW, THEREFORE, be it

RESOLVED, that the Governor and the State Legislature be encouraged to give this issue top priority and a sense of urgency as we approach upcoming legislative sessions and budget considerations.

The resolution was unanimously adopted.

New Business #6 Authorize Highway Superintendent to Schedule Bid Opening

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

RESOLVED, that Town Board does hereby authorize the Highway Superintendent to schedule a bid opening Tuesday, February 21, 2012 at 11:00 a.m. in the Supervisor's Conference Room, for two (2) new 2012 International Medium Duty sized cargo trucks, for the Compost Site.

The resolution was unanimously adopted.

New Business #7 Award Bid for Carpet Replacement on the east side of the 2nd floor

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

RESOLVED, that the Town Board did hereby accept the three requested quotes and to award the carpet replacement for the east side of the 2nd floor to Custom Carpet Centers, 2847 Southwestern Blvd. Orchard Park, NY 14127 at a cost not to exceed \$7,100.00, as recommended by the Maintenance Department.

The resolution was unanimously adopted.

New Business #8 Authorize Supervisor to Submit Letter of Intent

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

WHEREAS, the Town of Orchard Park will participate in a 2012-13 Shared Services grant from the NYS Archives through the Local Government Records Management Improvement Fund, a project to be lead by the Digital Towpath Cooperative

NOW, THEREFORE, be it

RESOLVED, that the Town Supervisor is hereby authorized to submit a letter of intent to participate in this project and to complete a Shared Service Agreement form confirming our long term commitment to use the email management system that will result from the grant project.

The resolution was unanimously adopted.

New Business #9 Town Board to Declare Property Dangerous and Unsafe

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

RESOLVED, Town Board does hereby declare the property at 3892 Southwestern Blvd., Alliance Church (SBL.161.09-4-25) dangerous and unsafe and to begin the procedures outlined in our town ordinances for demolition and begin the process obtaining bids, as requested by Andrew Geist, Building Inspector.

The resolution was unanimously adopted.

New Business #10 Authorize Final Payment/Change Order & Release of Retention

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

WHEREAS, that work on the Orchard Park Municipal Center Waterproofing Project has been completed and a final inspection was conducted in which all of the work has been satisfactorily completed in accordance with the contract documents and specifications and

WHEREAS, the Affidavit of Release of Liens, Affidavit of Subcontractor Payment and necessary legal documents have been submitted. A sum of \$990.00 was subtracted from the original contract amount to cover roof and gutter damage caused by Ajax-Smith's man lift. The necessary repairs were completed by Sahlem's Roofing.

NOW, THEREFORE, be it

RESOLVED, that the Town Board approve the Final Change Order in the amount of a deduct of \$990.00 and authorize the Final Payment/Release of Retention to Ajax – Smith, Inc., 4000 River Road, Tonawanda, New York 14150 in the amount \$1,010.00, as recommended by Town Engineer Bieler.

The resolution was unanimously adopted.

New Business #11 Authorize Attendance to the New York Land Boundaries and Access Rights

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

WHEREAS, a one-day seminar provides comprehensive training on Land Boundaries and Access Rights for those involved in land surveying and legal documents. The course is given by leading industry professionals so that those involved in land survey, design and legal documents can be up-to-date on continuing education for licensing requirements and operate efficiently with Right-Of-Ways, easements, land boundaries and title surveys, and

WHEREAS, the New York Land Boundaries and Access Rights Seminar will cover the following subject areas; Determining Land Boundaries (obtaining, interpreting, collecting, evaluating, boundaries and resolving boundary disputes) Exploring the New 2011 ALTA/ACSM Land Title Survey (development of, researching records of and field work for the New 2011 ALTA/ACSM Land Title Survey) Locating and Understanding Easements and Right-Of-Way (understanding legal nature of easements, the Common Law of easements, implied reciprocal negative easements and relocation of easements) , Ownership of and Access to Oil, Gas and Mineral Rights and Understanding Utility Easements and Right-Of-Way (understanding current laws on and types of easements and ROW's, encroachments, maintenance) and

WHEREAS, the HalfMoon LLC New York Land Boundaries and Access Rights Seminar on Thursday, March 15th seminar is \$239/ for three or more persons and a valuable recognized source of training in the field of surveying, civil engineering and land legal issues. Kenneth W. Partridge P.L.S. has attended similar HalfMoon seminars in the past and found them to be very beneficial.

NOW, THEREFORE, be it

RESOLVED, that the Town Board authorize John Bailey, Town Attorney, Kenneth W. Partridge PLS - Surveyor and Wayne L. Bieler P.E., Town Engineer to attend the HalfMoon LLC New York Land Boundaries and Access Rights Seminar on Thursday, March 15th in Buffalo, New York in an amount not to exceed \$717.00, as recommended by Town Engineer Bieler.

The resolution was unanimously adopted.

New Business #12 Authorize Attendance to the Western New York Stormwater Training

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

WHEREAS, the Town of Orchard Park is a designated as an MS4 community, and is required to know and enforce all NYSDEC Phase II Stormwater regulations.

WHEREAS, the WNY Storm Water Management Training Series on Stormwater Ponds & Wetlands, Stormwater Management for Linear Projects and SWPPP Preparation & Review on Tuesday, February 7th, Tuesday, March 20th, and Tuesday April 24th, 2012 respectfully will provide Jason Doktor with up-to-date regulatory compliance; new technology available to streamline operations; and a wide variety of general subjects, tools needed to efficiently, and effectively, function in today's changing world of stormwater regulations and

WHEREAS, the WNY Stormwater Management Training Series on Stormwater Ponds & Wetlands will cover all attributes of stormwater pond and wetland design, hydrology and hydraulics, plant selection and maintenance requirements. The Stormwater Management for Linear Projects seminar will cover the unique challenges associated with linear projects as related to the Stormwater permit and erosion and sediment control, techniques and the practices that are most applicable to the confined nature of linear project site conditions. The WNY Stormwater Management Training on SWPPP Preparation & Review will teach effective techniques for SWPPP preparers/reviewers for documenting and checking essential elements of a SWPPP, and provide guidance for design alternatives that deviate from the standards and

WHEREAS, that the WNY Stormwater Management Training Series is a valuable industry-recognized source of training, which is strongly recommended by those in the field of Public Works and Civil Engineering. Members of the Engineering Department have attended these seminars since 1996. Jason Doktor has not had this valuable training and it is recommended he attend these seminars. Jason will be responsible for his own time to travel to Henrietta, New York. The cost is \$230 per seminar

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize Jason Doktor to attend Western New York Stormwater Management Training Series on Stormwater Ponds & Wetlands on February 7th, 2012, Stormwater Management for Linear Projects on March 20th, 2012, and SWPPP Preparation and Review on April 24th, 2012 in an amount not to exceed \$690.00, as recommended by Town Engineer Bieler.

The resolution was unanimously adopted.

New Business #13 Refer to the Planning and Conservation Boards

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 refer the following to the Planning and Conservation Boards: Uniland Development Company, 3345 Southwestern Boulevard, Zoned B-2 and R-2, located on the south side of Southwestern Boulevard, west of the Five-Corners Intersection, proposed construction of two-building additions with a possible easterly driveway connection to Orchard Park Road. Applicant is also requesting the Town Board rezone a portion of the property from R-2 to B-2. (SBL#152.16-6-5.2)

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Tom Pieczynski – Mr. Pieczynski has lived in Orchard Park for 35 years and is now a senior citizen. He attended the last Town Board meeting and was dismayed at what he heard relative to the senior citizens’ plight and especially the Senior Center. Orchard Park has the most inadequate space in the County for their Senior Center. The lack of parking is also a major problem. Relative to funding, the seniors are allotted about 3% of the budget. The seniors should not be ignored. Mr. Pieczynski stated that the Senior Center Director, Anna Willams, provides activities with little or no donation. They have a volunteer who is 82 years old and is teaching tap dancing. Jackie Briggs, a member of the Senior Council, is spearheading fundraising activities for the Senior Center. There are currently seven senior groups which are fragmented due to an adequate building not being provided to them by the Town. It is shameful to make our seniors citizens beg or go without. There should be a serious look at a reallocation of funds for the seniors. This is not a senior issue only, rather a Town matter that deserves support.

ELECTED OFFICIALS & DEPARTMENT HEADS

Councilmember Kaczor – He wanted to give credit to the Recreation Department for their involvement in coordinating the Winterfest held the past weekend at Chestnut Ridge Park in conjunction with Erie County. He congratulated Highway Superintendent, Fred Piasecki, for his cover article in the Buffalo News.

Supervisor Colarusso – She stated that she attended a meeting of the Senior Council and believed that the seniors are bringing the Senior Center situation to the public’s attention.

Councilmember Majchrzak – He attended three D.A.R.E. graduations and congratulated all the students.

Highway Superintendent Piasecki – He summarized the Compost Site Yearly Report and the work on the roads in the Town.

15) 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 #3 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$64,046.97
Public Safety Fund	\$5,985.90
Part Town Fund	\$5,018.41
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$37,990.37
Special District	\$101,496.25
Trust & Agency	\$10,040.55
Capital Fund	\$44,578.31

The resolution was unanimously adopted.

16) 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:

- 2nd Annual Winter Walk will be held Saturday February 11th from 11am to 3 pm adjacent to the Buffalo and Pittsburgh Railroad, to preview the future "Pop" Warner Rail Trail on the B&PR right of way in the Village of Springville, Transportation will be available onsite to give you a tour of the right of way.
- On January 2, 2012, Governor Cuomo signed a legislation requiring state and local governments to post materials online before a meeting to the practicable extent. The law goes into effect 2/2/12.

The resolution was unanimously adopted.

17) 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:

- Compost Yearly Summary on Product Sales and Sales Volumes with raw materials received for the Year 2011.

The resolution was unanimously adopted.

There being no further business, on motion by Supervisor Colarusso seconded by Councilmember Kaczor, the meeting was adjourned at 7:47 PM (local time).

Respectfully Submitted,



**Carol R. Hutton
Town Clerk**