

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 3<sup>rd</sup> day of March at 7:00 PM, the meeting was called to order by the Supervisor and there were:

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

**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 GRABER, TO WIT:

**RESOLVED**, that the Regular Town Board Meeting and the Executive Session Meeting held on February 17, 2010, 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 previously received copies thereof.

**The resolution was unanimously adopted.**

**Old Business #1 Authorize Town IT Coordinator to attend NYS Local Gov. ITDAS Conference**

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

**RESOLVED**, that the Town Board does hereby authorize the request of R. Paul Warriner, Town IT Coordinator, to attend the NYS Local Government Information Technology Directors' Association Spring 2010 Conference in Saratoga Springs, from May 11<sup>th</sup> through May 14<sup>th</sup>, with the cost not to exceed \$300.00.

**The resolution was unanimously adopted.**

**Old Business #2 Westlake Development Request for an Extension of Approvals for Building Permit**

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

**WHEREAS**, pursuant to the letter dated February 11, 2010 to Westlake Development, they are respectfully requesting an extension of the Building Permit and Site Plan approvals for Walgreens, corner of Union & Michael Road. The current approvals expire one year from issuance or March 4, 2010, and

WHEREAS, they have experienced unanticipated delays in obtaining the documentation required to obtain the building permit

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby approve the request of Westlake Development for an extension of the Building Permit & site plan approvals for Walgreen's Store #12272 on Union Road and Michael Road.

**The resolution was unanimously adopted.**

**Old Business #3 Purchase of a New 2010 Trailer Mounted Brush Chipper**

4) 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 award the bid for a new 2010 Trailer Mounted Brush Chipper with winch for the Highway Department, from Vermeer Northeast, 1235 Route 9, Castleton, NY 12033, in the amount of \$44,000.00, as requested by the Highway Superintendent.

**The resolution was unanimously adopted.**

**New Business #1 Authorize Highway Superintendent to Attend State Legislation Mtg. in Albany**

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

**RESOLVED**, that the Town Board does hereby approve the request of Fred Piasecki, Highway Superintendent, to attend the meetings in Albany, New York on March 9<sup>th</sup> and 10<sup>th</sup>, 2010 with State Legislators concerning Highway (CHIPS) Funding to Towns, with the cost not to exceed \$130.00 and the money is in the budget.

**The resolution was unanimously adopted.**

**New Business #2 Town Clerk to Attend the 2010 NYS Town Clerks Association Conference**

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

**RESOLVED**, the Town Board does hereby authorize the request of Carol Hutton, Town Clerk, to attend the 2010 New York State Town Clerks Association Conference April 25<sup>th</sup> through April 28<sup>th</sup>, 2010 in Saratoga, New York, with the cost not to exceed \$699.69 and the money is in the budget.

**The resolution was unanimously adopted.**

**New Business #3 Nativity of Our Lord Parish Request to Hold 5K Race/Walk on 9/6/2010**

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

**RESOLVED**, that the Town Board does hereby approve the request of Nativity of Our Lord Parish to hold a 5K Race/Walk on Monday, September 6, 2010 to celebrate the end of summer and the beginning of a new school year. The run/walk will begin at 10:00 AM from the Nativity of Our Lord School parking

lot and finish by 11:00 AM with post race activities concluded by 2:00 PM. The route has been submitted along with the Certificate of Liability Insurance.

**The resolution was unanimously adopted.**

Councilman Graber stated that this is the third year that this race has been held. He stated that the Police Department has been very helpful in the past as well as Arthur's donating their grills for the event.

**New Business # 4 & 5 Refer to the Conservation Board and Planning Board**

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

- Robert Schosek, 3892 Abbott Road, located on the west side of Abbott Road, south of Southwestern Blvd., Zoned B-2. Applicant is requesting permission to operate a small engine repair shop and landscaping business with over the counter sales of related small parts in an existing building on this site.
- John A. Wabick, West Herr Saturn, 3559 Southwestern Boulevard, located in the Auto Mall area on the south east side of Southwestern Boulevard between Milestrip Road and Breem Street, Zoned B-2. Applicant is requesting a Change-in-Use to convert former Saturn retail sales building into a NAPA franchise parts retail and wholesale center.

**BUSINESS FROM THE FLOOR**

Louis Boehm – He stated that he did not recollect any discussion regarding the effects of operating a retail business directly across the street from a Wal-Mart super store. Mr. Boehm is concerned with empty buildings should businesses close.

Anthony Baloni – He represented Roswell Park and congratulated the Town for making the parks "Tobacco Free Zones". He gave statistics, littering of cigarette butts being dangerous to children and animals, the influence on children and second hand smoke as examples against smoking in the parks.

Kelly Pronti – She is the Attorney for Wal-Mart and stated that the EFA form has been submitted and was there to answer any questions.

John Marlow – He stated that in the past, the Orchard Park Town website posted the budget. He asked if the budget could again be posted.

Sal Cerrone – He asked the representatives from Wal-Mart if they will finish the project.

**ELECTED OFFICIALS & DEPARTMENT HEADS**

Supervisor Colarusso in response to Mr. Baloni's favorable remarks on the "Smoke Free Zones", told him that the members of the press were not present and that he could e-mail them his letter to publish. In response to Mr. Marlow, Supervisor Colarusso stated that she would check on the 2008 to the estimated 2010 budgets being posted on the Town website.

Highway Superintendent Piasecki reported on the snow removal.

**VILLAGE REPRESENTATIVE**

Village Trustee, Joe Wales, addressed the Town Board regarding New York State's proposed abolition of the Orchard Park Village Government. He read a list with some of the village citizens' concerns and cost analysis figures. Councilwoman Ackerman suggested that the Village Board and the Town Board get together at a future work session to discuss some of the concerns offered by Village Trustee Wales.

**The resolution was unanimously adopted.**

9) 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 #5 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$50,189.11
<b>Part Town Fund</b>	\$176.28
<b>Risk Retention</b>	\$0.00
<b>Cemetery Fund</b>	\$0.00
<b>Highway Fund</b>	\$41,863.22
<b>Special Districts</b>	\$352,769.41
<b>Trust &amp; Agency</b>	\$1,721,473.20
<b>Capital Fund</b>	\$16,900.00

**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 receive and file the following communications:

- New York State Department of Transportation conducted a study and completed their review of the signal coordination study along Rte. 240/277 in the Town and Village. The study determined that the most effective method to improve traffic flow and increase Rte. 240/277 corridor efficiency is by coordinating the signals that are closely spaced and by adjusting the timing of the signals which are further apart or have higher cross road traffic volumes as stand alone signals.
- A Public Hearing will be conducted by the Erie County Board of Health in Room 904 of the Rath County Office Building, 95 Franklin Street in the City of Buffalo, NY Thursday, March 18, 2010 at 3:00 PM concerning amendments to the Erie County Sanitary Code, Article IX concerning Housing Hygiene and Property Maintenance. These amendments are being made to conform with NYS Sanitary Code regulations.

**The resolution was unanimously adopted.**

There being no further business, on motion by Supervisor Colarusso, seconded by Councilwoman Ackerman, the meeting was adjourned at 7:37 PM (local time).

**Respectfully Submitted,**



**Carol R. Hutton**  
Town Clerk