

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 7th day of March, 2012 at 7:00 PM, the meeting was called to order by the Supervisor and there were:

PRESENT AT ROLL CALL:

- | | |
|-------------------------|------------------------|
| Janis Colarusso | Supervisor |
| 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 | |
| David Kaczor | Councilmember |

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 MAJCHRZAK, TO WIT:

RESOLVED, that the Regular Town Board Meeting minutes held on February 15, 2012 & the Executive/Special Session Meeting Minutes of February 15, 22, & 29, 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.

PUBLIC HEARING

At 7:00 PM (local time) the Supervisor called for the Public Hearing to hear all interested parties for or against the Proposed Local Law for the Year 2012: Amend Chapter A-148, "Appointment to Boards & Committees".

Affidavits and Publication of the Legal Notice of the Public Hearing were presented, read aloud and filed with the Town Board by the Town Clerk.

(No one spoke)

2) 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 close the Public Hearing for the Proposed Local Law for the Year 2012:Amend Chapter A-148 "Appointment to Boards & Committees", at 7:04 pm.

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby adopt Local Law #2 for the year 2012, which reads as follows:

Amend Chapter A-148 "Appointment to Boards and Committees" of the code of the Town of Orchard Park by adding the following:

Section 1 §A-148-8 Residency

Every person appointed to a board or committee of the Town of Orchard Park shall be a resident of the Town of Orchard Park at the time of his or her appointment and throughout the term of his or her appointment or said person will be ineligible to accept appointment to said board or committee of the Town of Orchard Park or must resign his or her appointment. This requirement may be waived by resolution of the Town Board for non-residents with special expertise pertinent to a specific board or committee.

Section 2 EFFECTIVE DATE: This local law shall take effect upon filing in the Office of the Secretary of State or from the date of its service as against a person served personally with a copy thereof.

The resolution was unanimously adopted.

New Business #1 Approve Public Stable Permit

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 approve the 2012 Public Stable Permit for Hammersmith Farms, 6243 Benning Road, as recommended by the Building Inspector.

The resolution was unanimously adopted.

New Business #2 Town Board supports "Land Bank Act"

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

WHEREAS, the Erie County Department of Real Property Tax Services has determined that there are in excess of 73,360 tax liens within Erie County with more than \$53,529,325 in taxes owed to Erie County, and

WHEREAS, this situation is particularly troublesome in the Cities of Buffalo, Lackawanna, and Tonawanda as well as in the Towns of Amherst, Cheektowaga, and other towns and villages are also struggling with vacant and abandoned properties and

WHEREAS, Erie County and its member municipalities have recognized the need to address the growing county-wide issue of tax delinquent, vacant, abandoned, and foreclosed properties, and

WHEREAS, similar problems exist in many areas of New York State, and

WHEREAS, in July 2011 in recognition of this growing problem, New York State passed the Land Bank Act, as Article 16 of the New York State Not-for-Profit Corporation Law, which authorizes any foreclosing governmental unit (FGU) to create a land bank to return tax delinquent, vacant, abandoned, and foreclosed properties to productive use, and

WHEREAS, county-wide land banks have proven highly successful in Michigan, Ohio, and other regions experiencing growing numbers of problem properties by successfully returning properties to productive use, and

WHEREAS, the founder of the nationally-renowned model and award-winning Genesee County, Michigan Land Bank, Dan Kildee, has urged Erie County to form a land bank and offered his assistance and expertise to Erie County, and

WHEREAS, the County Executive, the Department of Environment and Planning, and Department of Real Property Tax Services are seeking ways to work collaboratively with Erie County Municipalities to address this issue, and

WHEREAS, the newly adopted state law establishes a competitive process to allow municipalities to create land banks but will only permit the formation of 10 land banks throughout New York State, with no more than five land banks being approved with the first round of applications due to Empire State Development (ESD) on March 30, 2012, and

WHEREAS, at the January 2012 meeting of the Association of Erie County Governments the issue of establishing an Erie County land bank to address the growing problem of vacant properties was raised and discussed at great length, and

WHEREAS, County Executive Mark Poloncarz asked the County's Department of Environment and Planning and the County's Real Property Tax Department to establish a Land Bank working group with representatives from any interested municipality, along with representatives from the Association, to work collaboratively on an application to ESD by March 30.

NOW, THEREFORE, be it

RESOLVED, the Town of Orchard Park Town Board recognizes the dire need to address the growing vacant and abandoned housing crisis in Erie County, and be it further

RESOLVED, that this Town Board supports the creation of a Land Bank as an essential strategy in dealing with the vacant property crisis as Erie County, and be it further

RESOLVED, the Town Board supports the creation of a Land Bank by Erie County as Erie County is the Foreclosing Governmental Unit for most of the municipalities, and be it further

RESOLVED, the Town Board goes on record as fully supportive of Erie County's application to Empire State Development to create a Land Bank, and be it further

RESOLVED, the Town Board strongly urges Empire State Development to approve Erie County's application as Western New York desperately needs creative, new strategies to address the crippling problem of vacant and abandoned properties, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, the Commissioner of the Department of Environment and Planning, the Erie County Director of the Department of Real Property Tax Services, the County Comptroller, the County Attorney, the Director of the Division of Budget and Management, and the Erie County Legislature.

The resolution was unanimously adopted.

New Business #3 Supervisor to sign 2012 Fireworks Display Contract

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

RESOLVED, that the Town Board authorizes the Supervisor to sign the 2012 Fireworks Display Contract between the Town of Orchard Park and "Skylighters of New York, LLC", 315 Angle Road, West Seneca, NY. The Cost is not to exceed \$5,000.00 and a Certificate of Liability has been submitted, as recommended by the Town Attorney.

The resolution was unanimously adopted.

New Business #4 Appointment to Recreation Department

7) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR COLARUSSO, 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	Old Rate	New Rate	Position (Title)
Kim Wilder	99 Graystone Lane	\$9.00(PT2-B)	\$10.50	PT3C (att.)

The resolution was unanimously adopted.

New Business #5 Award Bid for two new 2012 International Medium Duty Sized Cargo Trucks

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

WHEREAS, in accordance with the Town truck replacement program, the Highway Department is looking to purchase two (2) new 2012 International Medium Duty Sized Cargo Trucks, while using existing truck bodies (update from the two originals). The low bidder on the truck chassis'/cabs is Regional International

New 2012 International 4300 (4X2)	\$71,752.66
With updated body	<u>\$10,104.78</u>
	\$81,857.44
New 2012 International 4300 (4X2)	\$68,657.87
With updated body	<u>\$ 9,382.77</u>
	\$78,040.64

WHEREAS, these two trucks will be replacing two existing International Medium Duty Sized Cargo Trucks, both having high mileage and now requiring extensive mechanical work

1996 International 4900 DT466 – 370,366 miles

1997 International 4700 T444E – 156,399 miles

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby award the bid for Two New Medium Duty Sized Trucks for the Compost Facility to Regional International, 2425 Walden Ave., Buffalo NY 14225, with the cost of the two new 2012 International trucks reusing existing truck bodies (updated) is \$159,898.08, as recommended by the Highway Superintendent.

The resolution was unanimously adopted.

New Business #6 Authorize Highway Superintendent to Schedule Bid Opening

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

RESOLVED, that Town Board does hereby authorize the Highway Superintendent to schedule a bid opening on March 26, 2012 at 11:00 a.m. in the Supervisor's Conference Room, for a Front End Rubber Tire Loader for the Highway Department. The money is in the current budget.

The resolution was unanimously adopted.

New Business #7 Authorize Highway Superintendent to Schedule Bid Opening

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

RESOLVED, that Town Board does hereby authorize the Highway Superintendent to schedule a bid opening on March 26, 2012 at 11:15 a.m. in the Supervisor's Conference Room, for a Trailer Mounted Brush Chipper for the Compost Facility. The money is in the current budget.

The resolution was unanimously adopted.

New Business #8 Appoint Part Time Laborer

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

RESOLVED, that Town Board does hereby appoint Courtney Martin as Laborer, PT on the Non-union Wage Schedule, Job Level; L-3, Range-A @ 10.00/hr effective February 21, 2012.

Supervisor Colarusso stated that Ms. Martin will be filling in for various departments as needed.

The resolution was unanimously adopted.

New Business #9 Approve Public Improvement Permit

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

WHEREAS, the Town has received from David Capretto, D.J.C. Land Inc., 420 Cayuga Road, Cheektowaga, New York 14225, an application for a Public Improvement Permit to construct the Holly Ridge Estates Subdivision, and

WHEREAS, the project consists of the installation of 2,300 L.F. of new roadways and public utilities to serve 26 residential sublots. A stormwater treatment unit and detention basin will be installed in this Holly Ridge Estates Subdivision construction, and

WHEREAS, review of the plans and specifications for the proposed project are found to be in compliance with current Town Specifications and Standards. The Town is in receipt of all necessary fees, bond, and insurances.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Public Improvement Permit #2012-01 for the Holly Ridge Estates Subdivision, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #10 Authorize Supervisor to sign Agreement

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

WHEREAS, the Town of Orchard Park has been approached by Ronald Marconi of RTM Enterprises of New York. He presented a program that reviews utility invoices for municipalities, schools, businesses, etc. to find charges or costs in excess of those permitted, allowed or from overcharges or billing errors. The audit work is completed through Troy & Banks, Incorporated which is a utility and telecommunication consultant. The firm stated that they are capable and willing to complete an audit on all of the Town owned buildings. The key points of this program/agreement are below:

- The Client (Town of Orchard Park) engages Troy & Banks to conduct an audit or survey of Client's gas, electric, telecommunications and water/sewer utility service accounts for the purpose of securing refunds, credits and cost reductions resulting from discovery of charges or costs in excess of those permitted or allowed by applicable contracts, tariffs, statues, rules and regulations and/or from overcharges or billing errors. Troy & Banks agrees to conduct such audit.
- **Overcharges** – For any refunds, credits or rebates obtained by Troy & Banks for prior overcharges, billing errors or costs in excess of those permitted by applicable contracts, tariffs, statutes, rules or regulations, Troy & Banks shall be paid 50% of all monies refunded or credited to the Client (O.P.).
- **Future Cost Reductions** – For any reductions in future costs for telecommunication and water services resulting from Troy & Banks analysis, the fee is 50% of the amount saved each month for 24 months. Troy & Banks will document actual monthly savings obtained by analysis of tariff cost applications.

- Troy & Banks has made no guarantee or assurance of any credit or refund amount or cost saving results.
- If the Client (Town of Orchard Park) does not receive refunds, credits, or reductions in future billings, there will be no fee for the Troy & Bank services.

WHEREAS, the energy committee has reviewed this program and feels it could be beneficial to Orchard Park. Since this is a fairly new practice for Orchard Park, the Town Engineer feels we should start only with the Municipal Center and see how it progresses, before the Town commits to having all facilities audited.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with Troy & Banks, Inc., Suite 102, 4536 Main Street, Buffalo, New York 14226, to perform an audit/survey of the Municipal Center utility bills with the cost of such audit or survey being paid from 50% of monies refunded or credited plus 50% of future savings for the next 24 months.

The resolution was unanimously adopted.

New Business #11 Authorize purchase of a Lateral Push Camera

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

WHEREAS, the Environmental Protection Agency (EPA) has been working for many years on regulatory changes to enhance the performance on sanitary sewer collection systems. The resulting program is CMOM, Capacity, Management, Operations, and Maintenance, to aid collection system owners in optimizing the performance of their system. The Town currently operates our system using a combination of corrective and emergency maintenance, preventative maintenance, and predictive maintenance methods. The purchase of the push camera system will reduce the corrective and emergency maintenance efforts by performing more effective preventative maintenance on our aging system, and

WHEREAS, the majority of the sewer crew's time is spent on routine sewer line flushing. While they are performing such actions, they will often encounter grease and root masses that greatly affect the performance of the sewer. The crew must then spend additional time to remove the found obstruction. The camera will allow the sewer crews to "see" the sewer line after the performed maintenance which will help in determining if their efforts were successful and more importantly, if further action is required. In addition, the video inspections will reduce the frequency of call-backs to the same location since the sewer crew will be able to view the work completed, and

WHEREAS, the camera will also be a valuable tool for the upcoming Lateral Rehabilitation Program. This program will entail identifying property owners within the Town who have chronic problems or leaking clay tile pipes that contribute infiltration into the main sewer line. The camera will record the inspections where the videos can be reviewed and priorities can be given to laterals with the most severe defects or frequent resident complaints. This will also allow the Town to remove the most potential I&I from aging laterals, and

WHEREAS, with the ability to collect accurate information and data from the field crews, the Engineering Department will be able to prioritize the operation and maintenance of the sewer system and justify requests for the financial resources necessary to support it. In addition, planned maintenance and

repairs are much more cost effective both in the long and short term because the work can be completed under proper planned conditions instead of working under emergency repair conditions, and

WHEREAS, the Engineering Department solicited three (3) companies for price quotes and are summarized below and attached. It should be noted that updated quotes were received by Joe Johnson and Pow-R Mole but Cyncon did not respond to the request for updated pricing.

1.	Joe Johnson Eq.	\$10,604.00
2.	Pow-R Mole	\$ 9,069.00
3.	Cyncon	\$ 8,948.00

WHEREAS, it is recommended that the Town purchase the push camera from Pow-R Mole for \$9,069.00. This system has all the capabilities that are needed for public gravity sewer line and private lateral inspections. An added benefit to the purchase of the Pow-R Mole system is that the cable is 400 feet in length as compared to 300 feet cable length from Joe Johnson and 200 feet from Cyncon. This will allow the Sewer and Lighting Department to inspect the longer sections of sewer line with one setup, therefore reducing the amount of time spent for the inspection.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorize the Engineering Department to purchase the Push Camera System at a cost not to exceed \$9,500.00 from H56 Water/Sewer Equipment Reserve, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #12 Authorize Supervisor to sign an Agreement with Aqua Environmental, Inc.

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

WHEREAS, similar to previous years, to complete the algae/plant treatments for various pond/lakes including Green Lake it is necessary to hire an environmental consulting firm New York Certified in Aquatic Vegetation and Algae Control.

WHEREAS, the Town has solicited services and received a proposal from a local environmental consultant firm AquaTech Environmental, Inc., which is qualified and capable to complete lake management work for Green Lake, Pleasant Acres Pond and also the stocking of various Town owned lakes/ponds in the necessary time frame.

WHEREAS, the environmental services to be provided for the maintenance of Green Lake are proposed as an annual Lake maintenance service agreement and will include: NYSDEC Permit Procurement (Currently \$300.00), Aquatic Macrophyte Herbicide Treatment, Algae Herbicide Treatment, Aeration Assessment and Adjustment, and Consultation Services. Aqua Tech Environmental, Inc. lump sum cost to provide the above mentioned treatments for 2012 is \$4,200.00.

WHEREAS, the services proposed for Birdsong Subdivision Retention Lake are being discontinued this year, due to the Homeowners Associations refusal to pay 50% of treatment and permitting costs.

WHEREAS, the Pleasant Acres Retention Ponds is being added this year for treatment. The developer of the subdivision has decided it would be a good option to have in place, if the ponds need treatment. He

has agreed to pay for 50% of the permitting fee (Permit Fee = \$300.00) and the same if treatment is needed. The permitting process will be completed and the services and costs will be in the contract with zero quantities, so if the developer decides treatment is warranted it can still be completed as a per treatment basis. The treatments will be Filamentous Algae treatments for \$975.00/each and \$1,350.00/each for rooted plants treatment. The total anticipated cost for 2012 is \$0.00 for the year.

WHEREAS, Dave Adrian of Aqua Tech Environmental, Inc., who has treated Green Lake and Birdsong in the past, must start as soon as possible, the necessary NYSDEC permitting process (now \$300.00 ea.) has become more involved for lakes and ponds in order to complete treatments this summer.

WHEREAS, the continuation of the Town of Orchard Park Fish Stocking program recommendations are attached (Attachment 3.0 Fishery Management Agreement) for 2012. Mr. Adrian recommends continuing the baitfish stocking (crayfish, fathead minnows, golden shiners), game fish stocking (crappie and yellow perch) and grass carp stocking to aid in weed and insect control. The 2012 proposed stocking cost is \$1,983.00. (attachment 3.1).

WHEREAS, the entire projected cost for Town Lake and Pond maintenance, treatment and stocking for calendar year 2012, is not to exceed \$8,508.00. There are presently funds (\$12,000.00) under Orchard Park Engineering Department "Water Quality Consultants" A.1440.000.448 for this work.

NOW, THEREFORE, be it

RESOLVED, that the Town Board authorize the Supervisor to sign the applications for NYSDEC permits to use a pesticide for the control of aquatic pest for Pleasant Acres Retention Pond and Green Lake Aquatic Vegetation and Algae Control projects:

RESOLVED, that the Town Board authorize the Supervisor to sign an agreement with AquaTech Environmental, Inc., 45 Kent Avenue, Blasdell, New York 14219, for an amount not to exceed \$8,508.00 to provide the following;

- Annual environmental services for Green Lake Maintenance in an amount of \$4,200.00 annually for Algae and Weed Treatments.
- Environmental permitting and possible treatment services for Pleasant Acres Retention Pond Maintenance.
- Stock fish to specified Town-Owned ponds as per attachment 3.0 & 3.1 Fishery Management Agreement.

The resolution was unanimously adopted.

New Business #13 Town Clerk to release escrow bond for PIP 2010-01, Pleasant Acres West

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

WHEREAS, on November 2, 2011, the Town Board accepted dedication of the public improvements constructed in the above referenced subdivision with the stipulation that a Bond from the Contractor be held in lieu of escrow until the installation of light bases, poles and fixtures, and all associated conduits, wiring, and 'special' pull boxes, and UL Inspection Certification. (Bond) \$45,000 was completed, and

WHEREAS, the Contractor has since completed the above referenced work. The work was inspected by the Engineering Department and found to be in compliance with Town specifications and the UL Inspection Certification was completed and submitted.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Town Clerk to release to Anastasi Trucking & Paving Co., 4430 Walden Avenue, Lancaster, New York 14030 the \$45,000 Bond held in escrow for light bases and poles and fixtures, and all associated conduits, wiring, and 'special' pull boxes, and UL Inspection Certification in the Pleasant Acres West Subdivision Part 1(PIP #2010-01), as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #14 Refer to the Planning and Conservation Boards

17) 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 refer the following to the Planning and Conservation Boards: Regent Companies is requesting to rezone 4.62 +/- acres (SBL# 161.00-5-4 and SBL# 161.00-5-5), located at the south side of Southwestern Boulevard, adjacent to the ECC South Campus, from B-2 to R-4 with a Collegiate Residential District designation for the purpose of constructing three (3) buildings containing 120-two and four bedroom units with 280 bedrooms for multi-family use to provide student housing with on-site parking and one (1) leasing/maintenance building.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Tom Pieczynski – Mr. Pieczynski stated that he proposed a way to find new quarters for the Orchard Park Senior Center. The Baker Road School Administration building will be vacated by 2013 and would be ample room for a Senior Center. Mr. Pieczynski suggested that the Town could switch or pay the difference for the Baker Road facility and sell or lease the current one. Mr. Pieczynski stated that the Seniors have been paying school taxes for decades and deserve at least this much. He asked that the Town Board get directly involved in securing the Baker Road facility for the Seniors. He asked why should the taxpayers pay again for a building that has already been paid for, still maintain and now have a need for. He stated that the Seniors would help any way they could to bring about this action.

Kathy Gorkiewicz – Ms. Gorkiewicz stated that she was surprised that Green Lake would be obtaining a second oversized floating vinyl playground and it would be marketed and available to non-residents. She stated that Green Lake was donated for the use of Town residents and perhaps the recreation program has grown too large if financial support is need by non-residents. She stated that the "Quaker Splash" money would be taken from the parkland deposit account and the purpose and scope of this account should be reviewed.

Dave Schuster – Mr. Schuster stated that he was dismayed at the "aggressive" marketing of the new "Quaker Splash" to all of WNY. Green Lake was donated to the residents for their enjoyment and is maintained and improved by the taxpayers of Orchard Park. He asked if the issues had been addressed about increased liability, parking, hiring out of town staff and the residents whose property borders Green Lake. He asked if the Recreation Director was given permission by the Town Board to market Green

Lake. Mr. Schuster gave a letter to the Town Board from the Historical Society Board opposing the "Quaker Splash".

John Marlow – Mr. Marlow stated that he has serious concerns regarding the "Quaker Splash" project at Green Lake. He had questions about the installation, cleaning and storage of the float and the cost of the labor. He also had questions regarding the maintenance of life preservers, storage facilities, park permits, boat permits, family membership and parking. He suggested that the Village should have input and be involved with the "Quaker Splash" project, as Green Lake is located in the Village. Mr. Marlow is not in favor of expanding the Recreation Department for the benefit of the rest of the County. He suggested that if "Quaker Splash" will be aggressively marketed to the surrounding towns and Orchard Park is providing recreational opportunities for the rest of the County, why not let Erie County assume the liability and pay for the lifeguards and support staff.

Lt. Mark Pacholec – Lt. Pacholec thanked Councilmembers Majchrzak and Kaczor and Supervisor Colarusso, on behalf of the Orchard Park Commanders Officers Association of the Orchard Park Police, for their contract.

ELECTED OFFICIALS & DEPARTMENT HEADS

Supervisor Colarusso – She stated that she supports Recreation Director Ed Leak, and the "Quaker Splash", the Seniors in their endeavor to find a new building and the Police.

Councilmember Majchrzak – He stated that he was not aware of the marketing of Green Lake and would discuss this with Councilmember Kaczor. He commented on the COA Contract and thanked Lts. Pacholec, Dearborn and Wehrfritz for their efforts in working with him and Councilmember Kaczor.

18) 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 #5 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$52,897.13
Public Safety Fund	\$31,676.05
Part Town Fund	1,619.44
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$68,514.57
Special Districts	\$538,144.72
Trust & Agency	\$1,765,893.34
Capital Fund	\$11,684.21

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby receive and file the following Communication:

- Public Information Meeting for Replacement of Lake Avenue (CR 200) Bridge (BIN 3327560) over Northwest Branch of Smokes Creek. The meeting is Thursday March 22, 2012 6:30 pm to

8:00 pm and will take place at the American Legion Post 567 Hall, 3740 North Buffalo Road, Orchard Park.

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby receive & file the following report:

- Chief of Police's Monthly Report for the month of January, 2012
- Building Inspector's Monthly Report for the month of February, 2012
- Annual Report of the Board of Ethics, 2011

The resolution was unanimously adopted.

There being no further business, on motion by Councilmember Majchrzak, seconded by Supervisor Colarusso, the meeting was adjourned at 7:43 PM (local time).

Respectfully Submitted,



Carol R. Hutton
Town Clerk