

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 17<sup>th</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
	David Kaczor	Councilman
	Edward Graber	Councilman
	Carol Hutton	Town Clerk
	Leonard Berkowitz	Town Attorney
	Andrew Geist	Building Inspector
	Andrew Benz	Chief of Police
<b>Absent:</b>	Frederick Piasecki, Jr.	Highway Superintendent
	Wayne Bieler	Town Engineer
	Nancy Ackerman	Councilwoman
	Eugene Majchrzak	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 COUNCILMAN GRABER, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR COLARUSSO, TO WIT:

**RESOLVED**, that the Regular Town Board Meeting held on March 3, 2010 and the Executive Session Meeting held on March 10, 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.**

**PUBLIC HEARING**

At 7:00 PM (local time) the Supervisor called for the Public Hearing to hear all interested parties for or against an amendment to the Zoning Ordinance which reads as follows:

To rezone property located on the west side of Mid County Drive, from R-4 & I-1 to R-4 with a SR Designation to construct a proposed 43 unit, Senior Housing independent living facility as requested by People, Inc., 1219 North Forest Rd., Williamsville NY.

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.

Supervisor Colarusso asked if anyone in the audience would like to speak for or against the rezoning of this property.

**PROPONENTS:**

Ralph Lorigo, Attorney for People, Inc. – Mr. Lorigo stated that in December 2007 People, Inc. received a grant from HUD to build a senior housing project in the Town of Orchard Park. The original site on

Weiss Ave. did not work out, so they researched other sites, with cost as an issue, and found this current site. Mr. Lorigo then gave an overview of the project, which is affordable housing for independent seniors like Carnation House on Southwestern Blvd., He also outlined reasons the Town should rezone this property. The major reason is that there is a need. Mr. Lorigo then turned in a petition signed by residents of Carnation House, and neighbors adjacent to the property, asking the Town Board to favorably look at this rezoning.

Mille Goodenough – Ms. Goodenough has been trying to get affordable senior housing in Orchard Park since 1981, it is time to do something for the Town’s seniors.

Howard Frawley, Mayor of Angola – Mr. Frawley stated that People, Inc. is building a senior housing project on Main Street in Angola, which will allow the seniors to sell their homes and move into affordable housing right in the Village. Mr. Frawley stated that the new senior housing has generated new businesses in the community, therefore, it is a win-win situation.

J. Secrist, resident of Carnation House – Ms. Secrist stated that she has been a resident of Orchard Park for 51 years and raised her children here. She appreciates being able to stay in the Town of Orchard Park as she is still very involved with many organizations. Ms. Secrist said she loves Carnation House.

Ruth Zak – Ms. Zak lives on one of the streets adjacent to the propose project, and is favor of this project, as senior housing is better than some of the other things proposed for that property.

Theresa Schosek – Ms. Schosek lives near the proposed project and is in favor of having Senior Housing as opposed to businesses.

Barbara See - Ms. See lives adjacent to the propose project and feels Senior Housing would be a welcome addition. She feels the land should have never been zoned Industrial in the first place, and would like more residential areas around them.

Bill Hager – Mr. Hager lives at Carnation House and likes being there. It is a great place for seniors to live.

John Sawicz – Mr. Sawicz is fully in favor of this project going forward. It is a very good project for this location and the best use of the land.

Barbara Rozanski – Ms. Rozanski lives at Carnation House and is in favor of this project and feels it is a convenient location for seniors.

Sister Beth Hayes – Sister Hayes works with all the Ministers in Orchard Park and represents them tonight in letting the Town Board know they are all in favor of this project.

Don Stauffer – Mr. Stauffer said he is at that age where he is considering selling his house looking for an affordable alternative. There certainly is a need for this type of housing.

## **OPPONENTS**

John Bailey – Mr. Bailey, Chairman of the Economic Development Committee, said this is a great project, with a great sponsor, but in the wrong place. There are 1100 acres of Industrial Development in Orchard Park with about 75% of it already developed. Of the remaining 25% available, 10% is not able to be developed, leaving a very small amount that can be developed. Therefore, he is opposed to this rezoning as the Town needs every square acre of Industrial land it has for development.

Henry Heppner – Mr. Heppner (Planning Board member) said some of the statements made tonight imply that the Town of Orchard Park does not support Senior Housing, which is inaccurate. There are over 400 senior units build in Orchard Park, nearly 100 approved, and 200 units in the pipeline. The issue tonight is not about supporting Senior Housing, it is about the location.

At this time, the Town Board asked Hal Fabinsky, Planning Board Chairman, to go over some of the issues with this project. Mr. Fabinsky stated it seems that the effort tonight was to make this public hearing a debate about affordable senior housing. That is not the case, as every person on the Planning Board supports Senior Housing, and it is a priority in the Town's Comprehensive Plan, as well as keeping Industrial Land intact. The issue is location, and that is the reason the Planning Board is opposed to this site for senior housing. The Town has many senior housing residences in Orchard Park and more in the pipeline that have received formal written support. The engineering department and Building Inspector's office have worked with People, Inc. to show them at least a half a dozen other locations that would work for this project. The Planning Board is willing to work with any developer who would bring forward a good project that would benefit the people of Orchard Park, especially the seniors.

Councilman Kaczor stated that the Town Board has always supported People, Inc. with all their facilities in Orchard Park. When this application first was submitted, the location was for Weiss Road, and the Town Board and Planning Board were in favor of this project. Then People, Inc. withdrew from the Weiss Road development for different reasons, and, due to the grant, they had to find another location as soon as possible. The site they picked requires rezoning Industrial Land, and the Town does not support this. The Town Board will continue to work with People, Inc. in their pursuit of another site.

Supervisor Colarusso stated she totally supports Senior Housing, but also understands where the Planning Board is coming from regarding the site in question. She wants to make sure the needs of our seniors are taken care of, as well as the Town's, as you do not want a project that is not beneficial to everyone. When a project is presented to the Town Board, they have to review each project completely, listen to the recommendations from Planning, Zoning and Conservation Boards as well as the Engineering & Building Inspector departments, and then try to make the right decisions.

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

**RESOLVED**, that the Public Hearing in the matter of rezoning vacant land on the west side of Mid County Drive is hereby closed at 7:53 PM.

**The resolution was unanimously adopted.**

**Old Business #1 Wal-Mart DEIS Determination**

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

**WHEREAS**, Wal-Mart Stores East LP ("Wal-Mart") has proposed to construct a Wal-Mart Supercenter (the "Supercenter") in the Town of Orchard Park, New York:

**WHEREAS**, this Board, on February 28, 2008, was established as SEQRA lead agency related to review of the Supercenter;

**WHEREAS**, this Board, on February 28, 2008, issued a positive declaration under SEQRA for the proposed construction of the Supercenter;

**WHEREAS**, this Board, on April 23, 2008, adopted a final scoping outline for the Draft Environmental Impact Statement (the "DEIS");

**WHEREAS**, on November 24, 2008, consultants to Wal-Mart submitted a proposed DEIS to the Board

**WHEREAS**, on February 2, 2009, consultants to Wal-Mart submitted a revised DEIS to the Board

**WHEREAS**, on February 19, 2010, consultants to Wal-Mart submitted a revised DEIS to the Board; and

**WHEREAS**, after due consideration, review and recommendation of the February 19, 2010 DEIS by the Town Planning Department, Town Engineering Department, Town Building Department, and the Town's hired consultant, TVGA, the DEIS is inadequate and incomplete for the following reasons:

- 1) The information to be provided in Appendix B was not included in the hard copy or on the CD ROM Electronic copy;
- 2) The information to be provided in Appendix L was not included in the hard copy or on the CD ROM Electronic Copy;
- 3) The information to be provided in "Sub-Appendix" "R" to Appendix "E" (Draft Stormwater Pollution Prevention Plan) was not included in the hard copy or on the CD ROM Electronic copy;
- 4) Clarification must be added to Page vii of the Table of Contents so that reviewers and public readers of the DEIS and subsequent FEIS are aware that the Draft Stormwater Management Plan, Draft Stormwater Pollution Prevention Plan and the Draft Engineers report in appendices D, E and F, respectively, are preliminary and draft in nature.
- 5) The correct and valid General Permit for stormwater discharges from construction activity (new General Permit GP-0-10-001 effective January 29, 2010) must be included in "Sub-Appendix" "Q" to Appendix "E". In addition, all references (including but not limited to documents cited in #4 of the resolution) to the invalid General Permit GP-0-8-001 must be revised to note the current and valid General Permit GP-0-10-001. Documents cited in #4 of this resolution must be revisited to verify and confirm complete compliance to GP-0-10-001 even though these documents are preliminary and draft in nature.
- 6) The Draft, unsigned Notice of Intent (NOI) provided in "Sub-Appendix" "D" to Appendix "E" must be replaced with the current NOI form.
- 7) The Draft unsigned Notice of Termination (NOT) provided in "Sub-Appendix" "I" to Appendix "E" must be replaced with the current NOT form.
- 8) The current MS4 SWPPP acceptance form must be included in a "Sub- Appendix" to Appendix E (Draft Stormwater Pollution Prevention Plan) for completeness in association to the current and valid General Permit (GP-0- 10-001).
- 9) The design of Stormwater Management pond must meet Town required standards. All references to Stormwater Management (reports, appendices, index, etc...) must be revised to be in compliance with current Town Standards. All supporting calculations and tables must be provided both in the text of the document and in the appendices.
- 10) The Applicant continues to maintain that the project will only include the construction of a North-South right-of-way (ROW). The DEIS fails to address any environmental impacts or mitigation of not constructing an East-West ROW connecting to South Benzing Road. These impacts include, but are not limited to, the following:

- a) The current Site Plan does not show a Town required cul-de-sac as required by Town Code to terminate a roadway. An updated Site Plan, showing a cul-de-sac, is required per the current design if connection to South Benzing Road is not installed.
  - b) If the proposed public road is only serving Wal-Mart, why should the Town take ownership, provide plowing service and maintenance of this dead end roadway or driveway at Town expense? What is the impact to the Town (fiscal, etc...) if at a later date, the Town has to install the connection.
  - c) If the proposed North-South ROW is a private road will NYSDOT permit another public access road from Milestrip Road to meet the MOU for area property owners.
  - d) Will there be a need for a public bus stop on Milestrip Road, on the North-South ROW, the cul-de-sac road or will public busses be allowed on site.
  - e) Per Section 503.1.2 of the Fire Code of New York an additional fire access road is warranted due to traffic loads from stadium events, seasonal shopping activities and for the potential use of all three Town fire companies during a major fire event. Additional access to the Site must be addressed.
  - f) Address the environmental impacts if the proposed East-West ROW is built "in the future" (relocation of the Wal-Mart project's driveway's additional signal installation, turning lane conflicts, etc...).
  - g) Address the impact of greatly delayed response time and patient transportation time to Mercy Ambulatory Center without a South Benzing connection.
  - h) Address how the Town will insure access (per the Milestrip Road MOU) to adjacent properties.
- 11) The full connection between Milestrip Road and South Benzing Road was a part of the original Quaker Crossing SEQR/EIS, Bettigole Andrews & Clarke, Inc., Site Access Location Study and Traffic Impact Study for the Milestrip Road Retail Center. This connection is a required conclusion of a scoping meeting between the NYSDOT, Town of Orchard Park and the developer of the Milestrip Road Retail Center in the Site Access Location Study (November 7, 1995) and part of the Town's Master Plan of connectivity. Address the preventable future impacts on the Wal-Mart site such as relocation of driveways, installation and removal of a cul-de-sac, installation of a new signal along the new North-South ROW, any impact on the transmission towers and revision of the drainage system flow with increased volume, parking, etc...
  - 12) Identify all remaining Town options for connection to South Benzing Road due to Wal-Mart site construction and the necessary mitigation and environmental impacts of each option.
  - 13) Address completely Engineering Department memo dated March 17, 2010 regarding pedestrian traffic, traffic issues, stormwater management, etc...
  - 14) The mitigation Option 3 of a Roundabout for the intersection of Amelia Drive and Carly Jane Place has not been presented at a detailed level to identify all the environmental impacts or to a level that the Town can determine that it is a valuable option, and per Page 43 of the Traffic Impact Study of Appendix C of the DEIS: "...more detail investigation is needed to determine the interaction between the Roundabout and the adjacent traffic signal." Identify all the environmental impacts and mitigation for this option.
  - 15) The mitigation, Option 4, of Right-In and Right-Outs for the intersection of Amelia Drive and Carly Jane place limits movement, therefore is not equal to the other options. Address this impact completely.
  - 16) As a result of TVGA noting the discrepancy between the figures and the VISSIM output volumes in the Traffic Impact Study in Appendix C of the DEIS in their review letter, the Town requests not only a copy of the VISSIM files, but also the VISSIM program, so that the authenticity of the VISSIM model output can be verified, by TVGA.

- 17) Correct Town of Orchard Park posted speed limit is 30-MPH, not 25-MPH, and needs to be changed throughout the DEIS.
- 18) The maintenance jurisdiction of the 219 Off Ramps are NYSDOT not Erie County and needs to be changed throughout the DEIS.
- 19) Address completely issues in TVGA letter dated March 16, 2010.
- 20) Address completely Building Inspector letter dated March 10, 2010 regarding Site access.
- 21) Address completely Engineering memo dated March 17, 2010.
- 22) Any and all changes need to be made throughout the DEIS in its entirety.

**And be it further**

**RESOLVED**, that a copy of this resolution will be forwarded by the Orchard Park Town Clerk to the legal representative of Wal-Mart.

**The resolution was unanimously adopted.**

**Old Business #2 Award Bid for a new 2010 Pickup Truck for Animal Control**

4) 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 award the bid for one new 2010 ½ ton pickup truck for the Animal Control/Police Department to Towne Ford, the lowest responsible bidder, for a F-150 priced at \$19,180.65. The 2001 F-150 now in use is to be transferred to the Town Highway Department for \$1,850.00 for a net cost of \$17,330.65, as requested by the Chief of Police.

**The resolution was unanimously adopted.**

**Old Business #3 Bryant & Stratton, vacant land on Redtail Dr. request for a Building Permit**

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

**RESOLVED**, that the Town Board does hereby authorize a Building Permit for the construction of a 30,000± sq.ft. building, to the existing campus with 98 parking spaces on vacant land on Redtail Drive, Zoned I-1, and approve the Site Plan received 1/29/2010, as recommended by the Planning Board with the following conditions and stipulations:

- This is an Unlisted SEQR action based on the submitted Short EAF, parts One and Two, and a Negative Declaration is declared.
- The site lighting is limited to those fixtures and poles indicated on the approved site plan. Light fixtures shall have flat lens.
- No outside storage or display is permitted.
- Dumpsters, as shown shall be screened, along with additional dumpsters, in accordance with Section 144-25 of the Town Code.
- Town Engineering Approval was granted on 3/10/10.
- In accordance with the Conservation Board minutes a three (3) year landscape completion bond in the amount of \$22,720.00 shall be provided for the landscape plan received 12/01/09 which

includes 10% total interior green space; if the applicant revises the planting of the Colorado Spruce trees a revised plan must be submitted, prior to the issuance of a Building Permit.

- As stated in plans on file with the Engineering department, off-site wetland mitigation shall be performed as documented.
- The project is to be completed in two-phases as described in the plan and approved by the Town Engineering Department.

**The resolution was unanimously adopted.**

**Old Business #4 Robert Schosek, 3892 Abbott Rd. request for Change-In-Use**

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

**RESOLVED**, that the Town Board does hereby approve the request of Robert Schosek, 3892 Abbott Road, located on the west side of Abbott Road, south of Southwestern Blvd, Zoned B-2, for a Change-In-Use to allow the applicant 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, as recommended by the Planning Board with the following conditions and stipulations:

- This is a Type II SEQR action and therefore no determination of significance is required.
- No outside storage is permitted.
- There is to be no expansion of the parking lot, if the parking lot is changed the site will need to be reviewed by the Conservation Board.

**The resolution was unanimously adopted.**

**New Business #1 Authorize Bid for Brush Collection**

7) 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 Highway Superintendent to advertise for bids for "Brush Collection", to be opened on Thursday, April 8, 2010 at 11:00 AM in the Supervisor's Conference Room in the Municipal Building.

**The resolution was unanimously adopted.**

**New Business # 2 Resignation from Public Safety Comm./ appointment to Recreation Comm.**

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

**RESOLVED**, that the Town Board does hereby accept the resignation of Roland Pigeon from the Public Safety Committee, effective immediately, and be it further

**RESOLVED**, that the Town Board does hereby appoint Roland Pigeon, 21 Bender Dr., Orchard Park to the Town of Orchard Park Recreation Committee, with the term to expire 12/31/2012.

**The resolution was unanimously adopted.**

**New Business # 3 Appointment to Recreation Committee**

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

**RESOLVED**, that the Town Board does hereby appoint Julie Burakowski, 86 Eddy Lane, Orchard Park to fill the unexpired term of Henry Heppner on the Town of Orchard Park Recreation Committee, with the term to expire 12/31/2010.

**The resolution was unanimously adopted.**

**New Business # 4 Appointment to Public Safety Committee**

10) 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 appoint Patrick Keem, 8 Highbrook Court, Orchard Park to the Town of Orchard Park Public Safety Committee, with the term to expire 12/31/2012.

**The resolution was unanimously adopted.**

**New Business # 5 Appointment to Energy Conservation Board**

11) 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 appoint John Frankiewicz, 6169 Powers Road, Orchard Park to the Town of Orchard Park Energy Conservation Board.

**The resolution was unanimously adopted.**

**New Business # 6 Access Control System for the Justice Courts**

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

**WHEREAS**, the Orchard Park Justice Court has received a New York State Court Grant, and

**WHEREAS**, the Town has received a proposal for the new Access Control System, which would be provided by Life Safety from NYS OGS contract #PT64160, which will provide card access to the Court and Police Departments, the system will work in conjunction with the existing video surveillance system, and use the existing identity card system now being used in the Police Department

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the purchase of the new Access Control System from Life Safety, Commercial Fire & Security Services off the New York State Contract for \$16,060.00 (Includes hardware, software installation and training), with the funds to come from the NYS Office of Court Administration, as recommended by the Town IT coordinator.

**The resolution was unanimously adopted.**



**New Business # 7 Proclamation for Motorcycle Safety Awareness**

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

**WHEREAS**, motorcycle safety awareness is of critical importance to both riders and other potential victims, and

**WHEREAS**, in the past year, Erie County has experienced more than a dozen mishaps involving motorcycles, more than half ending in fatalities, and

**WHEREAS**, no single cause is to blame, and

**WHEREAS**, motorcycle safety awareness has been identified by Governor George Patterson, as well as other government officials as a priority in traffic safety,

**NOW, THEREFORE, be it**

**RESOLVED**, that the members of the Town Board of the Town of Orchard Park does hereby declare the month of May 2010 as "Motorcycle Safety and Awareness Month" in our municipality, and be it further

**RESOLVED**, that the Town Board does take note of the Saturday, May 1<sup>st</sup> assemble of area bikers sponsored by the Buffalo-Erie County Chapter, American Bikes Aimed Toward Education (ABATE), at noon, and be it further

**RESOLVED**, that a copy of this proclamation be sent to Mr. Frank Martorana, Legislative Coordinator of ABATE, Buffalo/Erie Chapter.

**The resolution was unanimously adopted.**

**New Business # 8 Town's Capital Plan Changes**

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

**WHEREAS**, the Town Board has reviewed its capital plan as of December 31, 2009, and

**WHEREAS**, the Town wishes to initiate certain projects and adjust the funding for certain projects to appropriately fund the Town's current capital needs,

**NOW, THEREFORE, be it**

**RESOLVED**, the Town Board does hereby authorize the following

- The opening of a capital project entitled "Municipal Center Roof & Renovations" (project H88), with authorized expenditures not to exceed \$500,000.00. The project will be funded by the future issuance of debt.
- The transfer of \$7,855.00 from "California Road Parkland Improvements" (project H13) to "Town Park Improvements" (project H07) to cover the cost of improvements made at Town Playground facilities.

- The transfer of \$27,422.59 from “Compost Equipment Purchase” (project H71) to “Compost Site Acquisition & Development” (project H42) to cover the cost of improvements made at the Compost Facility. Further, the purpose of the “Compost Site Acquisition & Development” (project H42) is now complete and such project will be closed.
- The transfer of \$17,832.39 from “Pilger, Fay, Glen and Oakwood Road Reconstruction” (project H71) to “Ellis Road” (project H77) to assist with the cost of road and drainage improvements. Further, the purpose of the “Pilger, Fay, Glen and Oakwood Road Reconstruction” (project H71) is now complete and such project shall be closed.

**The resolution was unanimously adopted.**

#### **New Business # 9 Recreation Appointments for 2010 Spring seasonal appointments**

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

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

<b>Name</b>	<b>Address</b>	<b>Rate</b>	<b>Position</b>
Peter Brady	14 Regalwood	\$8.50	PT1-E (AH)
Ann Emerling	305 Countyside Ln	\$9.50	PT2-D (Att)

**The resolution was unanimously adopted.**

#### **New Business # 10 Budget Amendment for purchase of Justice Court Equipment**

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

**WHEREAS**, the town has been successful in obtaining a grant for the purchase of certain office equipment, furniture & construction of reception/pay window for the Courts, and

**WHEREAS**, the Town did not include either the grant revenues or the appropriations to provide these additional purchases in the year 2010 adopted budget, and

**WHEREAS**, the Town does desire to purchase the additional equipment with such grant funds,

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the amending of the 2010 adopted budget to authorize additional appropriations and estimated revenues of \$8,511.68:

Increase appropriations:		
A.111.0462	Town Justice – Ct. Asst. Prog. Expense	\$8,511.68
Increase Estimated Revenues:		
A.0000.3330	General – Court Asst. Program Grant	\$8,511.68

**The resolution was unanimously adopted.**

### **BUSINESS FROM THE FLOOR**

Deborah Yeomans – Ms. Yeomans stated she is aware of the concern of not having enough Industrial land, but the Town Board rezoned a huge parcel of prime Industrial land across from Quaker Crossing for the benefit of commercial development, Wal-Mart, which the majority of residents are opposed to. The rezoning of the Mid-County drive is for the residents and supported by many town residents. The Town should rezone the parcel across from Quaker Crossing back to Industrial.

Lou Boehm – Mr. Boehm stated the abandoned Wal-Mart on McKinley Pkwy., will unlikely sell and deteriorate. They should reuse that site for a new store. The Town Board should rezone the Milestrip Road parcel back to Industrial to open up more Industrial land.

Sal Cerrone – Mr. Cerrone stated that the NYS Dept. of Transportation regulations state that 53ft. trailers are not allowed to enter any side road off of Milestrip Rd. Wal-Mart uses 53 ft. trailers, this was not addressed in the DEIS. If the Wal-Mart project goes in, will the Town make them mitigate the traffic problems, and make sure recreation vehicles do not park there? Why was the land across from Quaker Crossing rezoned from Industrial to business if the Town needs Industrial land.

Dave Schuster – Mr. Schustser stated that WGRZ ran a story identifying the Village of East Aurora as being on Men's Journal magazine's list as one of the best places to live. Orchard Park has everything East Aurora has, but we rezone industrial land to accommodate Wal-Mart, and they did not.

John Sawicz – Mr. Sawicz stated that Sterling Park is zoned Industrial, but they have businesses in there that are not industrial, like Bryant & Stratton College and a day care center. There is no common sense. He also talked about "poaching" businesses from other sites, like AAA, Dick's, & Pet Smart.

Nick Taneff – Mr. Taneff (member of Planning Board) stated that the Planning Board did give People Inc. alternate sites to look at. He also said that the Planning Board is guided by the Town Code and the Comprehensive Plan to make their decisions, as they did with the Mid-County Dr. rezoning request.

### **ELECTED OFFICIALS & DEPARTMENT HEADS**

Supervisor Colarusso said her decisions are made with a lot of thought and consideration and are based on the recommendations she receives from the many sources, which are the Town Departments, Boards, Committees and residents. She also would like the Town Board meetings to be conducted civilly, and without accusations being thrown around. The Town Board members work hard and put in many hours for the betterment of the Town.

Councilman Kaczor stated that he has been involved with Economic Development for the past 25 years. He said that when many of the business parks were developed, they did not receive very many requests for placement of light industry, therefore, they resorted to letting other commercial endeavors build in them. Now, there are opportunities opening up, especially with the bio-manufacturing and the Center for Excellence in Buffalo. Orchard Park already has several "Life Science" businesses here and there is the opportunity for more to come in, therefore, the Town wants to keep land available for these types of businesses.

Councilman Graber stated that he attended an event at the American Legion Hall and was quite impressed by the improvements to the entrance and building. He mentioned that during Lent, they are serving fish dinners.

Town Attorney, Len Berkowitz, stated that New York State has mandated the following resolution.

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

WHEREAS, this Town Board is required to adopt a resolution for a standard workday for hourly employees of he Town of Orchard Park, and

WHEREAS, attached hereto and made a part of hereof, is a list of those positions which the Town Board considers to be hourly

NOW, THEREFORE, be it

RESOLVED, that the regular workday for hourly employees of the Town of Orchard Park is eight hours.

**The resolution was unanimously adopted.**

Building Inspector, Andy Geist, thanked all the people who have sidewalks on their property, for keeping them cleared this winter.

Highway Superintendent, Fred Piasecki, talked about his meeting in Albany regarding the CHIPS funds.

18) 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 approval of all entries on Warrant #6 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$101,549.72
<b>Part Town Fund</b>	\$353.23
<b>Risk Retention</b>	\$0.00
<b>Cemetery Fund</b>	\$0.00
<b>Highway Fund</b>	\$63,818.23
<b>Special Districts</b>	\$116,101.35
<b>Trust &amp; Agency</b>	\$4,205.00
<b>Capital Fund</b>	\$790,892.95

**The resolution was unanimously adopted.**

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

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

**Communications**

- The New York State Department of Environmental Conservation (NYSDEC) and the Federal Emergency Management Agency (FEMA) are cooperating on a program to update your Flood Insurance Rate Maps (FIRMs). The preliminary FIRMs and Flood Insurance Study (FIS) have been issued to your community, and are available to the public at the following

website: <http://www.ramp-team.com/ny.htm>. The maps are in a GIS compatible countywide format, including digital orth-photo base mapping and updated topographic data.

- The Home Energy Assistance Program (HEAP) and National Fuel's Neighbor for Neighbor Heat Fund are offering grants up to \$400 for qualified applicants. In order to qualify for a grant, an applicant must be 60 years old or older or they or a member of their household is handicapped or has a disability that reduces the household's income or has a certified medical emergency. To apply, contact The Salvation Army at (716) 883-9800, extension 230, the Chautauqua County Office for the Aging at (716) 753-4471 or Catholic Charities at (716) 856-4494 (if under the age of 60), (716) 896-6388 (if over the age of 60).
- Legislator Mills encourages residents to attend a public hearing on proposed NFTA bus routes changes. Hearing to be held at 7 p.m. Thursday, March 18, 2010 at ECC South Campus. Those unable to attend the public hearing can send comments to [transitstudy@nfta.com](mailto:transitstudy@nfta.com). To reach Legislator Mills, call 655-5650 or e-mail [jmills13@erie.gov](mailto:jmills13@erie.gov).
- Joanne and Ed Smith, 181 Bielak Road wants to go on record as opposed to a Wal-Mart being built on Milestrip Road.
- Karen O'Brien, 28 Falconcrest Lane expresses her support for the senior housing project that is proposed for Orchard Park.
- Joe Monaco, 53 Bittersweet Lane, as a long standing citizen in the Town of Orchard Park he is supporting the Senior Housing on Mid County Drive.

**Reports**

- Orchard Park Police Department Monthly Report for February 2010.
- Building Inspector's Building Permits & Monthly Report for February 2010.

**The resolution was unanimously adopted.**

There being no further business, on motion by Supervisor Colarusso, seconded by Councilwoman Ackerman, the meeting was adjourned at 8:40 PM (local time).

**Respectfully Submitted,**



**Carol R. Hutton**  
Town Clerk

