

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 20th day of March, 2013 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
	Frederick Piasecki, Jr.	Highway Superintendent
	Wayne Bieler	Town Engineer
	Andrew Geist	Building Inspector
	Mark Pacholec	Chief of Police

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 COUNCILMEMBER KACZOR, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR COLARUSSO, TO WIT:

RESOLVED, that the Regular Town Board Meeting minutes held on March 6, 2013 and the Special Executive Session Meetings held on February 27, 2013, and March 6 & 13, 2013 are hereby approved, and be it further

RESOLVED, that the reading of these minutes be dispensed with as each member of the Town Board has previously received copies thereof.

The resolution was unanimously adopted.

Old Business #1 Carquest, 3329 Southwestern Blvd. ,authorize Building Permit & Grant Site Plan

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

RESOLVED, that the Town Board does hereby authorize, a Building Permit and grant Site Plan Approval for Carquest Auto Parts, 3329 Southwestern Boulevard, located on the south side of Southwestern Boulevard, west of Orchard Park Road, Zoned B-2 & R-2, for the Plan received 3/1/13 to construct a 6,312-sq.ft., building, as recommended by the Planning Board based on the following conditions and stipulations:

1. This is an Unlisted SEQR action based on the submitted Short EAF, Parts One and Two and a Negative Declaration is made.
2. The site lighting is limited to those fixtures and poles indicated on the approved Site Plan. Light fixtures shall have flat lens.
3. No outside storage or display is permitted.
4. Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with §144-25 of the Town Code.

5. The Landscape Plan, received 2/21/13, includes 64% total green space. In accordance with §144-44(c)(1)(a)(2), a Certified Check amounting to 50% of the \$9,715.00 Landscaping Estimate shall be deposited with the Town Clerk prior to receiving a Building Permit.
6. The approved architectural exterior elevations, as presented in A-2.1 (March 1, 2013) are #2 West Elevation, #3 – North Elevation, #4 – South Elevation and #5 – East Elevation.
7. Town Engineering approval has been granted on 3/13/13.

The resolution was unanimously adopted.

Old Business #2 McGard 3875 California Rd., authorize Building Permit & Grant Site Plan

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

RESOLVED, that the Town Board does hereby authorize a Building Permit and grant Site Plan Approval for McGard, LLC, 3875 California Road, located south of Southwestern Boulevard, Zoned I-1, for the Plan received 3/11/13 to construct a 71,800-sq.ft. building, as recommended by the Planning Board based on the following conditions and stipulations:

1. This is an Unlisted SEQR action based on the submitted Long EAF, Parts One and Two and a Negative Declaration is made.
2. The site lighting is limited to those fixtures and poles indicated on the approved site plan. Light fixtures shall have flat lens.
3. No outside storage or display is permitted.
4. Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with §144-25 of the Town Code.
5. The landscape plan, received 2/11/13, includes 55% total green space. In accordance with §144-44(c)(1)(a)(2), a Certified Check amounting to 50% of the \$125,711.00 Landscaping Estimate shall be deposited with the Town Clerk prior to receiving a Building Permit.
6. The project has 61 proposed future parking spaces that will remain as green space and be banked for future needs if deemed necessary by the Planning Board. This area, identified as future parking Area 1, is fully designed and meets engineering design requirements.
7. Town Engineering approval has been granted on 3/13/13.

The resolution was unanimously adopted

New Business #1 5856 Lake Ave. , declare structure as “Dangerous & Unsafe”

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

RESOLVED, that the Town Board does hereby declare a detached garage/barn on 5856 Lake Avenue (SBL # 152.14-2-1-) as “dangerous and unsafe” and begin the process for removal of the structure as described in Chapter 47 of the Town Code, with the associated costs applied to the tax roll of the property, as recommended by the Building Inspector.

The resolution was unanimously adopted.

New Business #2 Postponement of Scheduled Public Hearing

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

RESOLVED, that the Town Board postpone scheduled Public Hearing, April 3, 2013, regarding Local Law for Landscaping Plan §144-44 (c) of the Town Code.

The resolution was unanimously adopted.

New Business #3 Approve Out-of-District Water Service Agreement

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

WHEREAS, the Engineering Department has received correspondence requesting Out-of-District Water Service approval for Todd and Shannon Dehn of 3409 Transit Road. The address is located outside the boundaries of Orchard Park Water District No. 15, in the Town of Aurora; and

WHEREAS, the completed Out-of-District Residential Water Service Agreement, along with a Resolution from the Town of Aurora, agreeing to Todd and Shannon Dehn's request to obtain water from the Town of Orchard Park has been received by the Town

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the Out-of-District Residential Water Service Agreement between Orchard Park Water District No. 15 and Todd and Shannon Dehn of 3409 Transit Road, Aurora, New York, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #4 Chestnut Ridge Rd. & Duerr Rd Waterline replacement SEQR determination

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

WHEREAS, New York's State Environmental Quality Review Act (SEQR) requires all state and local government agencies to consider environmental impacts equally with social and economic factors during discretionary decision-making. The Town must assess the environmental significance of all actions they have discretion to approve, fund or directly undertake. Short Environmental Assessment Form has been completed and is attached, and

WHEREAS, Wm. Schutt Associates, the Design Engineer for the Chestnut Ridge Road and Duerr Road Waterline Replacement Projects along with the Orchard Park Engineering Department have determined that both projects are classified as "Type II Actions" in accordance with section 617.5 (c) (5) of the SEQR regulations as replacements in kind. Actions that can be classified "Type II Actions" under the SEQR regulations do not require any further SEQR review, including an Environmental Assessment Form.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby determine the Chestnut Ridge Road Waterline Replacement Project to be classified as a "Type II Action" as the project will not have a significant impact on the environment and is precluded from further environmental review under New York State Environmental Conservation law, article 8, as recommended by the Town Engineer, and be it further

RESOLVED, that the Town Board does hereby determine the Duerr Road Waterline Replacement Project be classified as a "Type II Action" as the project will not have a significant impact on the environment and is precluded from further environmental review under New York State Environmental Conservation law, article 8, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #5 Authorize Attendance to the Greater Buffalo Environmental Conference

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

WHEREAS, the New York Water Environment Association (NYWEA) is an organization of professionals in the field of water quality. NYWEA helps lead the way toward existing state and national clean water programs and the association represents diverse backgrounds and specialties concerned with protecting and enhancing our water resources. Annually, NYWEA hosts the Greater Buffalo Environmental Conference that provides an opportunity for members and other professionals to get updates on regulations and tools to promote sustainable clean water; and

WHEREAS, the GBEC Conference will be held on March 26, 2013 in Depew, New York. The course agenda includes concurrent breakout sessions on topics such as green technology, sustainability, sewer management and engineering and regulatory updates; and

WHEREAS, GBEC is a valuable industry recognized source of information. This conference will also provide up to date information to understand how the US Environmental Protection Agency and the NYS Department of Environmental Conservation regulations affect the discharge of pollutants to the environment. The cost is \$75/member, which includes the conference and lunch.

NOW, THEREFORE, be it

RESOLVED, that the Town Board authorize Jason Doktor to attend the 2013 Greater Buffalo Environmental Conference on March 26, 2013 in Depew, New York, for a total amount not to exceed \$75.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #6 Supervisor to Execute Contract for Congregate Dining

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the contract between Erie Co. Dept. of Senior Services and the Town Orchard Park for the Congregate Dining, contract for 1/1/13-12/31/13.

The resolution was unanimously adopted.

Refer to Planning and Conservation Boards

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

RESOLVED, Young Development Inc. is requesting building permits to construct two buildings for Mixed-Use, upon Vacant Land, 2.6 +/- acres, southeast corner of the Southwestern Boulevard and Angle Road, Zoned B-2. This property is adjacent to the new Orchard Park School District Office and Bus Garage. Note: the applicant is scheduled to appear before the Zoning Board of Appeals on 3/19/13 for a Front Yard Parking Variance.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Barbara Little – Ms. Little stated that in order to balance the 2013 Town Budget, a full time fire inspector was reduced to a part-time position, in spite of a heavy load in the Building Inspector’s office. The Town has many new developments going in that will need to be inspected, as well as the existing businesses to be inspected. If an accident occurs, there will be legal ramifications to the Town, is this possibility worth it. Ms. Little recommends that the Town Board reinstate the Fire Inspector back to full time.

Michael Risor, from Senator Grisanti’s office announced that every third Thursday, a member of Senator Grisanti’s staff will be at the Orchard Park Municipal Building from 10am to 2pm to answer any questions or concerns. These Town Hall visits will begin on April 17th. For more information you can call Senator Grisanti’s office at 854-8705, or email him at wyn.grisanti@gmail.com

ELECTED OFFICIALS & DEPARTMENT HEADS

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

RESOLVED, that the Town Board does hereby accept the resignation of Councilmember Kaczor as the Fair Housing Officer for the Town of Orchard Park, and be it further

RESOLVED, that the Town Board does hereby appoint Wayne Bieler as the Fair Housing Officer for the Town & Village of Orchard Park

Supervisor Colarusso	Yea
Councilmember Kaczor	Recused
Councilmember Majchrzak	Yea

The resolution was duly adopted.

Councilmember Kaczor stated that all three personnel within the Building Inspector’s office maintain the same title, except Andy Geist, who is the Supervisor of the Building Inspectors. All are qualified to do safety and fire inspections. When there is a need to increase the personnel in that office, they will look at it at that time.

Councilmember Majchrzak stated all the personnel in the Building Inspector’s office are called Code Enforcement officers, and all are qualified to conduct fire inspections.

Police Chief Mark Pacholec wanted to let people know that the Town Winter Parking Ordinance is in effect until the 1st of April. He also announced that on April 30, 2013 at 7:00 pm, the Police Department, in conjunction with the Orchard Park School District, will be holding a Town Hall Forum. There is an open invitation to the residents to come to this forum where the Police Department will open the floor for questions, talk about where the Department is now, where they are going, and where they hope to be in the future.

Highway Superintendent Fred Piasecki stated that he had the Compost Summary Report for 2012 and product sales of compost and mulch volumes were up; Mulch - 5672 cubic yards & compost – 2335 cubic yards. The compost site took in \$127,061.98, minus sales tax of \$9,096.63 for a total of \$117,965.35.

12) 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 #6 following auditing by members of the Town Board and in the funds indicated:

General Fund	49,688.54
Public Safety Fund	11,571.61
Part Town Fund	569.35
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	46,472.20
Special Districts	25,800.24
Trust & Agency	1,729,174.48
Capital Fund	47,615.83

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Colarusso, seconded by Councilmember Kaczor, to wit: the meeting adjourned at 7:26 pm (local time).

Respectfully Submitted,



**Carol R. Hutton
Town Clerk**