

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 15th day of May, 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 COUNCILMEMBER MAJCHRZAK, TO WIT:

RESOLVED, that the Regular Town Board Meeting minutes held on May 1, 2013 and the Special and Executive Session Meeting held on May 1, 2013 is 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.

Stormwater Phase II Annual Report Coverage – SPDES – Informational Meeting

At this time, Supervisor Colarusso opened the “Informational Meeting” and asked Town Engineer, Wayne Bieler, to give an overview.

Mr. Bieler stated that per the Federal EPA Environmental Conservation Law, Clean Water Act, and Stormwater Phase II regulations, the Town must submit to the New York State Department of Environmental Conservation, a Stormwater Management Program, and an Annual Report outlining the Town’s progress in meeting the Notice of Intent (NOI) goals. The Annual Report must be submitted to the NYSDEC each year by June 1st. Included with the report is the Municipal Compliance Certification Form that must be signed by the Supervisor. The Report is online at the Town’s website, and on file in the Library and the Town Clerk’s office.

No one came forward to speak.

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

RESOLVED, that the Informational Meeting for “Stormwater Phase II Annual Report Coverage –SPEDES” is hereby closed at 7:01PM.

Public Hearing for 2013 Local Law – Amend § 133-6 “Off Road Vehicle Impoundment”

At 7:02 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 2013: “Off Road Vehicle Impoundment”.

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 came forward to speak.

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

RESOLVED, that the Public Hearing for the 2013 Local Law entitled: “Off Road Vehicle Impoundment” is hereby closed at 7:03 PM.

The resolution was unanimously adopted.

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

WHEREAS, following due and timely notice a public hearing relating to the Matter of Local Law #3 of 2013 regarding “Off Road Vehicle Impoundment” was conducted on the 15th day of May 2013, at which time all interested parties were given an opportunity to be heard

NOW, THEREFORE, be it

RESOLVED, that the Town Board is hereby authorized to adopt Local Law #2 for the Year 2013 which provides as follows:

§133-6A Repeal

§133-6 Add

A. Notwithstanding §133-5, any peace officer who shall encounter any person operating a motorcycle, limited-use motorcycle or limited-use off-road vehicle in violation of this chapter may impound said vehicle and shall place said vehicle in a location designated by the Chief of Police of the Town of Orchard Park. The owner or duly designated agent of the owner of such vehicle may secure possession of such vehicle upon payment of expenses and charges necessarily and actually incurred by the removal of said vehicle and an impoundment fee of \$100.00.

B. In case of a second or subsequent violation, the court may order confiscation of said vehicle in lieu of any fine and/or imprisonment. Any vehicle which is confiscated pursuant to this section will be sold at public auction according to appropriate procedures and law affecting public auctions by municipalities. (The minimum bid shall reflect costs and penalties to the date of such auction.)

The resolution was unanimously adopted.

Public Hearing for 2013 Local Law – Amend § 97-16 “Alcoholic Beverages”

At 7:04 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 2013: “Alcoholic Beverages”.

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.

Asst. Chief of Police Wehrfritz stated with this Local Law refers to the Parks and Recreation areas, the Law states no one should be in possession of an open container in any Park or Recreation area, or consume any alcohol in any Park or Recreation area, but there are exceptions to this ordinance.

Howie Holmes – Mr. Holmes stated that he is confused by this legislation. He asked if this meant that you cannot take beer or wine into Green Lake for a picnic or on other Town Property. Mr. Holmes said a permit is not going to stop people from becoming rowdy and creating a mess. He feels the Town is rushing into this legislation and they should take some time to evaluate this ordinance and clarify the procedure.

Asst. Chief Wehrfritz stated that this law does not disallow alcoholic beverages in the Town parks, it would have to be allowed by permit. The police encounter times where there are people in the parks consuming alcohol, leaving cans, creating a general mess and disturbing other people. The Police need to have the ability to control these situations.

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

RESOLVED, that the Public Hearing for the 2013 Local Law entitled: “Alcoholic Beverages” is hereby closed at 7:14 PM.

The resolution was unanimously adopted.

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

WHEREAS, following due and timely notice a public hearing relating to the Matter of Local Law #3 of 2013 regarding “Off Road Vehicle Impoundment” was conducted on the 15th day of May 2013, at which time all interested parties were given an opportunity to be heard

NOW, THEREFORE, be it

RESOLVED, that the Town Board is hereby authorized to adopt Local Law #3 for the Year 2013 which provides as follows:

§97-16 Repeal : Alcoholic Beverages

Add §97-16: Alcoholic Beverages - Open Container/Public Consumption Law

1) It shall be unlawful for any person to be in possession of an open container upon any Park or Recreation area within the Town of Orchard Park.

2) It shall be unlawful for any person to engage in the public consumption of any alcoholic beverage upon any Park or Recreation area within the Town of Orchard Park.

Definitions

Open Container means an alcoholic beverage container that is no longer sealed or any other type of container or package not original to said beverage but contains an alcoholic beverage.

Alcoholic Beverage includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, beer, and which contains one-half of one (1) percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

Exceptions - permit required: Consumption of beer and wine is permitted during any community-sponsored public function, festival or celebration or private party being conducted within the Town Parks or Recreation areas and/or any other publically owned area pursuant to a written permit issued by the Town board, or the appropriate governing authority. This permit, when issued, will also allow the sale, service and distribution of beer and wine on designated Town property and areas reserved for the event, subject to all applicable ABC regulations. However, before such permit is issued under this section, the Town Board or the appropriate governing authority or their duly authorized designee shall designate the boundaries of the event.

The resolution was unanimously adopted.

Supervisor Colarusso stated that she believes this law is necessary to protect the residents.

Councilmember Kaczor stated every time the Town Board meets with Town insurance brokers, there is one more liability regarding the use of public property, and the type of activities that take place on it. Many other communities have adopted this type of legislation to protect the residents and the Town.

Public Hearing for 2013 Local Law “Open Container/Public Consumption”

At 7:15 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 2013: “Open Container/Public Consumption”

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.

Chief Pacholec stated this law is not about the stadium, this law is intended to cover everybody in the entire Town; it covers public highways, walkways, not private lots or stadium property. When people are walking on public property and they are impaired, or disturbing the public, the police have to be able to legally control the situation. There are exceptions to the Law as well, such as the Street Dance or fund raisers can be held with permits. The Bills games will go on, tailgating will continue and what they do on private property is fine.

Eric Matwijow – Mr. Matwijow feels this is a good law for game day at the Buffalo Bills Stadium, but does not feel it should apply to the whole town. He also wanted to know if the Bills were going to set up a family zone for families who do not want to be hassled. Mr. Matwijow also wanted to know if this law applied to the part of Abbott Rd. that is closed off during the games. He also wanted to know if a resident has an opened bottle, but capped, and he walked over to his neighbor’s with it, does that make him a criminal. This law needs more study.

Chief Pacholec responded that this law is needed for the whole town, as there are incidents involving alcohol on public property that happen in other parts of the Town. This law gives the police another tool to get the people off the road and out of the community so they won't do harm to themselves or others. Regarding the open container, according to the letter of the law, the citizen could be in violation, but the Police Officers have discretion and common sense in applying the laws and they will apply it where appropriate.

Chauncey Bateman – Mr. Bateman lives on Sheldon Road, which is by the stadium and has several houses that have people tailgating before and after the game. These people walk all over with their containers and leave debris all over the street after the games. He asked how this law would affect those that litter.

Chief Pacholec stated that this law has nothing to do with private property, but once individuals are on the public street or property, the Officers can cite them.

Andy Major – Mr. Major is a resident of the Town and works for the Buffalo Bills Organization and is Vice President of Event Operations and Game Day Experience. On behalf of the Buffalo Bills organization, he stated that they are very supportive of this law. This ties in very nicely with what the Buffalo Bills have been trying to do for the Fan Experience, as they have made a concerted effort to improve what goes on at the Bills games and make it more family friendly.

Howie Holmes – He thinks the stadium is the problem, not the whole town. This law should be for the stadium just on days there are games at the stadium. Mr. Holmes stated that the Police should be able to arrest impaired individuals through the Public Intoxication Law. He also wanted to know if this Law applies to the Village, specifically Caribbean Night and the Street Dance. Mr. Holmes thinks the Town Board is rushing this and it should be studied further with more input from everybody involved.

Chief Pacholec stated that New York State is one of the few states that does not have a Public Intoxication Law.

Town Attorney Bailey said he was not sure this Law would apply to the Village, he will have to find out if it does. If it does not, the Village will have to pass a similar law. He also stated that if need be, the Town Board can come back and amend these Local Laws.

7) 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 close the Public Hearing for the 2013 Local Law entitled: "Open Container/Public Consumption" is hereby closed at 7:36 PM.

The resolution was unanimously adopted.

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

WHEREAS, following due and timely notice a public hearing relating to the Matter of Local Law #4 of 2013 regarding "Open Container/Public Consumption" was conducted on the 15th day of May 2013, at which time all interested parties were given an opportunity to be heard

NOW, THEREFORE, be it

RESOLVED, that the Town Board is hereby authorized to adopt Local Law #4 for the Year 2013 which provides as follows:

Open Container/Public Consumption

- 1) It shall be unlawful for any person to be in possession of an open container upon any public street, way, thoroughfare, sidewalk, or other Town owned property within the Town of Orchard Park.
- 2) It shall be unlawful for any person to engage in the public consumption of any alcoholic beverage upon any public street, way, thoroughfare, sidewalk, or other Town owned property within the Town of Orchard Park.

Definitions

Open Container means an alcoholic beverage container that is no longer sealed or any other type of container or package not original to said beverage but contains an alcoholic beverage.

Alcoholic Beverage includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, beer, and which contains one-half of one (1) percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

Penalty for violation of section 1 or 2 shall be punishable by a maximum fine of two hundred and fifty dollars (\$250.00) or by imprisonment for not more than fifteen days (15), or both.

Exceptions - permit required: Consumption of beer and wine is permitted during any community-sponsored public function, festival or celebration, or private party being conducted within the Town Parks or Recreation areas and or other publicly owned area pursuant to a written permit issued by the Town board, or the appropriate governing authority. This permit, when issued, will also allow the sale, service and distribution of beer and wine on designated Town property and areas reserved for the event, subject to all applicable ABC regulations. However, before such permit is issued under this section, the Town Board or the appropriate governing authority or their duly authorized designee shall designate the boundaries of the event.

The resolution was unanimously adopted.

New Business #1 Town Board to accept 2012 Financial Statement from Town Accountant

9) 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 receive and file the 2012 comprehensive Annual Financial Report and the Statement of Changes in cash balances and statements of cash receipts and disbursements with the Town Clerk-Tax Office and the Town Justice Office for the year ending December 31, 2012. An Independent Auditors' Report is on file in the Town Clerk's office for review, and be it further

RESOLVED, that the Town Accountant, Wayne Drescher, reviewed the 2012 budget in a Town Board Work Session on May 1, 2013 at 6:00 pm.

The resolution was unanimously adopted.

New Business #2 Orchard Park Veterans of Foreign Wars to hold annual Memorial Day Parade

10) 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 approve the request of the Orchard Park Veterans of Foreign Wars Post #6247 to hold their Annual Memorial Day Parade and Ceremonies, Monday, May 27, 2013, start time is at 9:00 AM. The Parade will start at the Orchard Park Library, go down South Buffalo Street to the Four Corners, west onto West Quaker St. and into Veterans Park.

The resolution was duly adopted.

New Business #3 Highbrook Court to hold Annual Block Party

11) 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 approve the request of the residents of Highbrook Court to hold their annual Block Party on Saturday, June 22nd from 3:00 pm to 10:00 pm, and authorize the use of orange cones from the Highway Department.

The resolution was unanimously adopted.

New Business # 4 Amend 2013 Budget for Engineering Department to purchase a new truck

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

WHEREAS, there is sufficient funds in the T.0000.0087.0787, and

WHEREAS, the Town Engineering Department is in need of a new truck that was not budgeted in the 2013 adopted budget, and

WHEREAS, the Town does desire to purchase a new truck from the General Fund by transferring funds from the Trust & Agency fund to the General Fund.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the amending of the 2013 adopted budget to authorize additional appropriations and estimated revenues of \$26,000.00.

Increase Appropriations:

A.1440.0200	Engineering – Equipment	\$26,000.00
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Increase Estimated Revenues:

A.0000.5031	Interfund Transfer	\$26,000.00
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The resolution was unanimously adopted.

New Business # 5 Village to sign agreement with Town to use Compost Facilities

13) 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 authorize the Supervisor to sign an agreement with the Village of Orchard Park to utilize the services of the Town of Orchard Park's Compost site from June 1, 2013 through May 31, 2014, and be it further

RESOLVED, that upon execution of said contract, the Village will pay the Town the sum of \$6,500.00 for tipping fees, pending final review by the Compost Manager.

The resolution was unanimously adopted.

New Business # 6 Agreement with OP Little League for use of Brush Mt. Concession Facilities

14) 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 Supervisor to sign an agreement with the Orchard Park Little League for the use of the Brush Mountain Park Concession/Restroom Facilities from the 1st of May 2013 to the 31st day of August 2013, pending that the Insurance Certificates are in place, and be it further

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with the Orchard Park Little League for the use of the Little League Park Concession/Restroom Facilities from the 1st of May 2013 to the 31st day of August 2013, pending that the Insurance Certificates are in place, and be it further

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with the Orchard Park Soccer Club for the use of the Milestrip Road Sports Complex Concession/Restroom Facilities from the 1st of May 2013 to the 31st day of October 2013, pending that the Insurance Certificates are in place, as recommended by the Town Attorney.

The resolution was unanimously adopted.

New Business #7 Agreement with Orchard Park School Dist. for use Yates Park Facilities

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

WHEREAS, the Town is the owner of Yates Park, Orchard Park, New York, and

WHEREAS, the School District wishes to use Yates Park facilities in connection with conduct of various Orchard Park Central School District programs,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with the Orchard Park Central School District for the use of Yates Park facilities from June 1, 2013 to May 30, 2014, as recommended by the Town Attorney.

The resolution was unanimously adopted.

New Business # 8 Agreement with Orchard Park School Dist. to lease buses for Town Recreation

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

WHEREAS, the School district is the owner of certain school buses and the Town desires to lease a certain number of such buses for uses in conjunction with the town's recreation and senior citizen programs, and

WHEREAS, the OP School District is authorized by §1502 of the Education Law to enter into such a lease during any time when such buses are not needed by the District for the transportation of school children.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with the Orchard Park Central School District for the lease of school buses subject to the terms and conditions of said agreement, and be it further

RESOLVED, that this agreement will commence on the 1st day of July and ending the 30th day of June each year, as recommended by the Town Attorney.

The resolution was unanimously adopted.

New Business #9 Agreement with Orchard Park School Dist. for Recreational Facilities

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

WHEREAS, the Orchard Park School District is the owner of certain indoor and outdoor athletic and recreational facilities, and

WHEREAS, the Town of Orchard Park wishes to use said indoor and outdoor athletic and recreational facilities,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with the Orchard Park School District for the use of indoor and outdoor athletic and recreational facilities, subject to the terms and conditions of said agreement, as recommended by the Town Attorney.

The resolution was unanimously adopted.

New Business #10 Amendment to 2013 Town Budget to increase CHIPS Aid

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

WHEREAS, the Town has received notification of consolidated highway improvement program aid of \$154,458.28, and

WHEREAS, the Town's adopted budget for 2013 included such aid to be \$121,855.00, and

WHEREAS, the Town needs to adjust the budget to the level of aid awarded in order to appropriately authorize the expenditure of Town funds and the receipt of such State aid.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the following amendment of the Town's 2013 budget to appropriately adjust the amount of aid to be received and authorize additional appropriations for road improvement purposes:

Highway Fund

Increase estimated revenues
DA3501.005 State Aid – C.H.I.P.S \$36,603.28

Increase appropriation account:
DA5112.200 Highway – Improvement Program \$36,603.28

The resolution was unanimously adopted.

New Business #11 Amendment to 2013 Budget for Police Department to purchase equipment

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

WHEREAS, the Town's Police Department has current equipment needs, and

WHEREAS, this equipment will provide for the safety of officers and allow the Police Department to better serve the community, and

WHEREAS, the Town's General Fund has sufficient funding to allow for the purchase of such equipment,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the following amendments to the Town's 2013 budget in the General and Public Safety Funds to provide funding for such equipment:

General Fund

Increase appropriated Fund Balance:
A0599 Appropriated Fund Balance \$117,370

Increase appropriation accounts:
A9903.901 Transfer to Public Safety \$117,370

Public Safety Fund

Increase estimated revenues:
PS5031 Transfer from the General Fund \$117,370

Increase appropriation account:		
PS3120.215	Patrol Cars	\$38,063
PS3120.225	Other Equipment	\$79,307

The resolution was unanimously adopted.

New Business #12 Award Bid for Baker Road project between Milestip Rd. & Michael Rd.

This item was tabled.

New Business #13 Appointments to Highway Department for Parks & Grounds

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 authorize the following Highway Department appointments for Parks & Grounds, as recommended by the Highway Superintendent.

- Carlton Coatsworth, effective May 6, 2013, at the rate of PT-1C, \$8.00 per hour
- Brendan McLaughlin, effective May 9, 2013, at the rate of PT-1C, \$8.00 per hour.

The resolution was unanimously adopted.

Refer to Planning Board & Conservation Board

21) 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 refer the following to the Planning Board and/or Conservation Board:

- West Herr Properties is requesting that the property located at 5948 Webster Road, located on the north side of Webster Road, west of Breem Street be Re-Zoned from R3 to B2. Applicant would like to demolish the existing home and expand their parking lot.
- Carleton Technologies, Inc. D/B/A Cobham Mission Systems Division, is requesting to construct a 6,600 sq. ft. building addition to their existing facility located at 10 Cobham Drive, in the Quaker Centre Industrial Park, Zoned I-1.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Tom Pieczynski – Mr. Pieczynski appreciated that Police Chief Pacholec took him to the site of his concern the day after the last Town Board meeting on Jewett Holmwood Road. He said that if the Baker Road School works for the Senior Center or not, he strongly feels that when school property is abandoned, or no longer useful to the School, the property should revert to the Town, as the taxpayers paid for it. He has spoken to NYS Senator Grisanti, and NYS Representative Mickey Kearns about this, and they feel that this is a good idea, but no one has done anything about it.

James Huetter – Mr. Huetter lives on Hampton Ct., two doors down from two vacant lots that have turned into a dump site. On the one lot, the developer poured a foundation without a permit, and he was subsequently forced to crush in the foundation. The developer lives in Canada, and Mr. Huetter is concerned that he is the developer for a new development that is going in behind them. He asked the Town Board what can be done about this situation.

Eric Matwijow – Mr. Matwijow wanted to know what is happening regarding the water lines on Timberlake Drive. As a safety issue, he would like to see the RV vehicles that line up Abbott Road and down Southwestern Blvd. off Abbott Rd. before games. They need to open up the stadium lot or the employees' lot to get them off the road. Mr. Matwijow would like the Town to look into the "Jock Tax" where football players who do not live in NYS have to pay income tax to the Town/State that they are playing in. (article in Pittsburg Post Gazette)

Dave Schuster – Mr. Schuster wanted to know if any money changes hands when the Town leases buses from the School.

Howie Holmes – Mr. Holmes asked when the Local Laws would take effect. Mr. Holmes wants to see all the Town Jobs posted on the Town Website. He also stated that the 4th of July Parade is on for this year and the committee has met a couple of times and they are looking for volunteers.

ELECTED OFFICIALS & DEPARTMENT HEADS

Supervisor Colarusso stated the Jane Reukauf is working with the seniors to see if Baker Road School is a viable site for the Senior Center or if it would make more sense to build a new one. She recommended that Tom Pieczynski contact her. Supervisor Colarusso stated that the Central School System and the Town are two separate entities and the Town doesn't have jurisdiction over the School. Maybe Senator Grisanti could help with this.

Councilmember Kaczor said the School charges the Town for use of all their facilities and buses, which is paid with Recreation funds for the rental. (There is a separate agreement). He also wanted to announce that "Art Rocks the Park" is being held on Saturday.

Building Inspector Andy Geist stated in regards to the High Point problem, he has sent a letter to the owner and is waiting for a response to see if a clean-up takes place. If it does not happen, the next step would be to get permission to have it cleaned up and add the cost to the tax roll. Mr. Geist said he was up there yesterday and there is a trail into there from a lawn mower or such, fresh grass clippings were dumped there. He looked around and there were neighbors whose lawns were freshly cut. Mr. Geist stated that since he has very limited manpower, he would suggest that Mr. Huetter talk to his neighbors about the fact that they are doing some of this dumping. People don't drive across Town to do that so it most likely is happening locally. The Building Inspector's office is working on it too.

Highway Superintendent Piasecki outlined the paving schedule for this summer: Boldt Court., Lakewood Dr. and Minden between Lakewood & Berg, Armor Duells back cul-de-sac area, Rolling Hills Dr., Regalwood Dr., Green Lake Dr., Carey Dr. For the C.H.I.P.s project they are going to do Bussendorfer Rd. (Coming from Abbott Rd. and going down about a mile to Pinewood). The "Free Mulch Day" was a huge success, servicing 465 residents and moved 1,000 cubic yards of mulch.

Town Engineer Wayne Bieler said they have a preliminary design for the Timberlake water design and drafting construction plans. It will be submitted to the Health Dept. and Erie County Water and should be out for bid by the end of next month. Councilmember Majchrzak stated that they are at the mercy of the Health Department, therefore, it could take longer.

22) 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 #10 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$48,193.50
Public Safety Fund	\$2,641.57
Part Town Fund	\$172.39
Risk Retention	0.00
Cemetery Fund	0.00
Highway Fund	\$9095.35
Special Districts	\$40,417.08
Trust & Agency	153.18
Capital Fund	

The resolution was unanimously adopted.

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

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

Communications:

- The Village of Orchard Park Zoning Board of Appeals has scheduled a Public Hearing at 7:00 pm on Wednesday May 22, 2013 in the Municipal Center, 4295 S. Buffalo Street on the following Appeal: Gerald & Denise Nagle, 31 Clark Street, Orchard Park, A Variance to Section 225-12F. (1) © Accessory structures in R Districts.

The resolution was unanimously adopted.

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

Reports

- Building Inspector’s Monthly Report for the month of April, 2013.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Colarusso, seconded by Councilmember Majchrzak, to wit: the meeting adjourned at 8:30 pm (local time).

Respectfully Submitted,



Carol R. Hutton
Town Clerk