

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 2nd day of June at 7:00 PM, the meeting was called to order by the Supervisor and there were:

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

Recognition and Awards for the Recreation Department

Recreation Director, Ed Leak, stated that the National Parks Association designates June of every year as Recreation Month. This gives the Recreation Department the opportunity to recognize individuals and businesses that have been supportive over the last year. Mr. Leak asked Recreation Commission liaison, Councilman Kaczor and Supervisor Colarusso, along with Recreation Commission Chairperson, Audrey Ramage, to help present the Community Appreciation awards. The awards went to:

- Henry Heppner – for his time on the Recreation Commission and sharing his expertise in the Aquatic field which helped develop the Aquatic program to the point it is today.
- Jim Wilson – for his help with producing the "Art Rocks the Park" guitars.
- Adolph Rave – for his work building the standards for the "Story Walk" throughout the Town.
- Frank Muggia – for being a long standing "Corporate Sponsor" of the Recreation Department.
- Susan Kryszak – for her time on the Recreation Commission and her work with the Youth Division.
- Joan Thomas – School Superintendent, who retired this year, for all her cooperation with the Recreation Department.

Recognition for the Youth Court Students

The Town's Youth Court is the official alternative to Erie County's Family Court, and an integral part of the criminal justice system. It handles cases of youthful offenders petitioned by the Orchard Park Police Department. The youthful offenders are judged and sentenced by their peers to perform community service hours. The Youth Court Director, David Rebmann and members of the Youth Board, were present to hand out the awards & read the biographies for the following Youth Court members who are graduating this year:

signed by the petitioners and acknowledged or proved in the same manner as a deed to be recorded, the metes and bounds read as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Orchard Park, County of Erie and State of New York, being part of Lot No. 21, Township 9, Range 7 of the Holland Land Company's Survey, more particularly bounded and described as follows:

COMMENCING at a point in the west line of Lot No. 21 (being also the center line of Murphy Road) distant 2215.33 feet northerly from the southwest corner of said lot, said point being the northwest corner of lands deeded to Sisters of Mercy of the Buffalo Diocese by deed recorded in the Erie County Clerk's Office in Liber 6861 of Deeds at page 555; thence South 89° 44' 01" East along the northerly line of lands so deeded to Sisters of Mercy of the Buffalo Diocese 456.94 feet to the POINT OF BEGINNING; thence South 89° 44' 01" East and continuing along said northerly line and in part along the southerly line of Hilltowne Park Phase I as shown on a map filed in the Erie County Clerk's Office under Cover No. 2940 a distance of 1130.04 feet to the northwest corner of lands appropriated by the People of the State of New York by deed recorded in the Erie County Clerk's Office in Liber 10961 of Deeds at page 1901; thence South 33° 36' 37" East along the southwesterly line of lands so deeded to the People of the State of New York a measured distance of 288.67 feet (293± by record) to the westerly line of the Southern Expressway as appropriated by the People of the State of New York by deed recorded in the Erie County Clerk's Office in Liber 7800 of Deeds at page 414; thence southerly along said westerly line and along a curve to the right having a radius of 7419.437 feet an arc distance of 505.63 feet; thence South 89° 30' 59" West a distance of 529.98 feet; thence North 42° 11' 01" West a distance of 1011.00 feet to the point of beginning, containing 15.350 acres of land more or less.

Excepting from the above the following described parcel of land:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Orchard Park, County of Erie and State of New York, being part of Lot No. 21, Township 9, Range 7 of the Holland Land Company's Survey, more particularly bounded and described as follows:

BEGINNING at the southeast corner of Subdivision Lot No. 17 as shown on a map filed in the Erie County Clerk's Office under Cover No. 2940; thence westerly along the southerly line of Subdivision Lot Nos. 17, 18 and 23 a distance of 351.84 feet; thence southeasterly at an interior angle of 47° 33' 00" a distance of 358 feet to a point; thence northeasterly at an interior angle of 65° 05' 45" a distance of 286.22 feet to the point or place of beginning, containing 1.067 acres of land more or less.

WHEREAS, the proposed new Town Drainage District OPDD 3-4 is bounded and described in the map, plan and report, and

WHEREAS, the Town Board has given due consideration to the impact that the establishment of the new Town Drainage District OPDD 3-4 may have on the environment and, on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused by the establishment of such new Town Drainage District OPDD 3-4 and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, a duly executed Short Environmental Assessment Form has been filed in the office of the Town Clerk; and

WHEREAS, the Town Board has determined to proceed with the establishment of the proposed new Town Drainage District OPDD 3-4; and

WHEREAS, said new Town Drainage District OPDD 3-4 hereinabove described is to be constructed and paid for by or on behalf of the petitioners, Hilltowne Park Part II and the expense of the establishment and

maintenance of the Drainage District shall be paid by the assessment, levy and collection of property taxes upon the several lots and parcels of land within the proposed Town Drainage District OPDD 3-4 in the same manner and at the same time as other Town charges.

NOW, THEREFORE, be it

RESOLVED AND DETERMINED: that the drainage infrastructure for said district is to be constructed by the owners of the premises, wholly at their own expense, and they have offered to convey the same without cost to the Town of Orchard Park free and clear of encumbrances, except right to access to said improvement by adjoining land owners, that the cost of connecting the same with the Town of Orchard Park drainage system shall be borne by the owners of properties benefited thereby, and be it further

RESOLVED AND DETERMINED: that the Town Clerk be and hereby authorized and directed to file a certificate of this resolution in the Office of the Clerk of the County of Erie, which is the County in which the said Town of Orchard Park is located, and the Office of the State Department of Audit and Control, within ten (10) days after the adoption of this resolution, pursuant to §195 of the Town Law.

The question of the adoption of the foregoing resolution was duly put to a roll call vote:

Supervisor Colarusso	Aye
Councilwoman Ackerman	Aye
Councilman Kaczor	Aye
Councilman Graber	Aye
Councilman Majchrzak	Aye

The resolution was unanimously adopted.

PUBLIC HEARING

For the Establishment & Creation for Drainage District OPDD 1-3 Lyrchia Park

At 7:35 PM (local time) the Supervisor called for the Public Hearing to hear all interested parties for or against the Establishment and Creation for Drainage District OPDD 3-4. 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 who would like to speak for or against the application for the Establishment & Creation for OPDD 1-3: **No one spoke**

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

RESOLVED, that the Public Hearing in the matter of the Establishment and Creation for Drainage District OPDD 1-3 Lyrchia Park is hereby closed at 7:40PM (local time).

The resolution was unanimously adopted.

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

WHEREAS, the Town Board of the Town of Orchard Park (herein called “Town Board” and “Town” respectively), in the County of Erie, New York, has received a petition pursuant to Section 191 of Town Law, for the establishment and creation of Town Drainage District OPDD 1-3, which petition was signed by the sole owners of taxable real property situate on the proposed new water district owning all of the taxable real property of the proposed new drainage district, as shown upon the latest completed assessment roll of said Town and was accompanied by a map plan and report prepared by Greenman-Pedersen, Inc., competent engineers duly licensed by the State of New York, and was the drainage district to be constructed and paid for by or on behalf of petitioners, to provide stormwater drainage to prospective new homeowners within the proposed district consisting of the construction and installation of drainage facilities in accordance with the specifications of the New York State Department of Environmental Conservation and the Town of Orchard Park Engineering Department all in the proposed new Town Drainage District OPDD 1-3, which map and plan have been duly filed in the Office of the Town Clerk of the Town for public inspection; and

WHEREAS, such Order was duly published and posted as required by law, and

WHEREAS, a hearing on said matter was duly held by said Town Board on June 2, 2010 at 7:00 PM in the evening of said day, in the Municipal Center, S4295 South Buffalo Street, Orchard Park, New York, and no person appearing in opposition to and the petitioners appearing in favor of the petition, and

WHEREAS, pursuant to said petition, it is the intention of the petitioners, as sole owners of all the taxable property in said drainage district, to construct said drainage infrastructure solely at its own expense, and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, a duly executed Short Environmental Assessment Form has been filed in the office of the Town Clerk, and

WHEREAS, the Town Board has given due consideration to the impact that the establishment of the new Town Drainage District OPDD 1-3 may have on the environment and, on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused by the establishment of such new Town Drainage District OPDD 1-3, now after due deliberations, it is

RESOLVED AND DETERMINED:

- That the notice of hearing was published and posted as required by law, and the petition was signed
- That all property and property owners within the proposed district are benefited thereby
- That all property and property owners benefited are included within the limits of the proposed district
- That it is in the public interest to establish said district, and be it further

RESOLVED, that the establishment of the proposed district as set forth in said map, plan and report be approved, and that the improvements therein mentioned be constructed by the petitioner, and the expense of the establishment and maintenance of the Drainage District shall be paid by the assessment, levy and collection of property taxes upon the several lots and parcels of land within the proposed Town Drainage District 1-3, in the same manner and at the same time as other Town charges, and such district shall be known and designated as “Town of Orchard Park Drainage District No. 1-3 and shall be bounded and described as set forth:

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Orchard Park, County of Erie and State of New York, part of Lot No. 4, Township 10 and Range 7 of the Buffalo Creek Reservation bounded and described as follows:

BEGINNING at the point of intersection of the southerly boundary line of Milestrip Road with the easterly line of lands conveyed to Joseph Ippolito by deed recorded in the Erie County Clerk's Office in Liber 8746 of Deeds at page 241; THENCE: S-00°-00'-02"-E, along said easterly line of Ippolito Lands, a distance of 2,741.76 feet to the southeasterly corner thereof, being on the southerly line Lot 4, Township 10, Range 7; THENCE: S-89°-43'-03"-W, along the southerly line of said Joseph Ippolito Lands and along the southerly line of lands conveyed to Joseph Ippolito by deed recorded in Liber 11119 of Deeds at page 3962, Parcel B and along the southerly line of lands conveyed to Margaret McCooey by deed recorded in Liber 10963 of Deeds at page 6280, being the southerly line of Lot 4, a distance of 879.43 feet to a point; THENCE: N-00°-00'-22"-W, through said McCooey Lands, a distance 1,004.00 feet to a point; THENCE: N-89°-59'-38"-E, through said McCooey Lands, a distance of 38.50 feet to a point on the westerly line of lands conveyed to Joseph Ippolito by deed recorded in Liber 11119 of Deeds at page 3962, Parcel B; THENCE: N-00°-00'-22"-W, along the westerly line of last said Ippolito Lands, a distance of 1,516.01 feet to the southerly line of lands conveyed to Jerry N. and Pamela D. Ovitt by deed recorded in Liber 9800 of Deeds at page 343; THENCE: N-89°-12'-39"-E, along the southerly line of said Ovitt Lands and along the southerly line of lands conveyed to David J. Buchheit by deed recorded in Liber 10970 of Deeds at page 1608 and along a southerly line of lands conveyed to Richard J. and Susan M. Herr by deed recorded in Liber 9179 of Deeds at page 226, a distance of 316.00 feet to a westerly line of said Herr Lands; THENCE: S-00°-00'-22"-E, along said westerly line of Herr Lands, a distance of 148.50 feet to the southerly line thereof; THENCE: N-89°-12'-39"-E, along the southerly line of said Herr Lands, a distance of 110.00 feet to the southeasterly corner thereof; THENCE: N-00°-00'-22"-W, along the easterly line of said Herr Lands, a distance of 44.00 feet to the southerly line of lands conveyed to Norman and Cecilia Wishart by deed recorded in Liber 9090 of Deeds at page 260; THENCE: N-89°-12'-39"-E, along the southerly line of said Wishart Lands, a distance of 156.65 feet to a point; THENCE: N-29°-28'-11"-E, through said Wishart Lands, a distance of 24.46 feet to a point; THENCE: N008°-04'-17"-E, through said Wishart Lands, a distance of 44.92 feet to a point on the easterly line thereof; THENCE: N-00°-00'-22"-W, along the easterly line of said Wishart Lands, a distance of 253.49 feet to the southerly boundary line of Milestrip Road; THENCE: N-89°-12'-39"-E, along the southerly boundary line of Milestrip Road, a distance of 240.00 feet to the POINT OR PLACE OF BEGINNING, containing 50 acres be the same more or less., and

WHEREAS, said petition described the boundaries of the proposed new Town Drainage District OPDD 1-3 in a manner sufficient to identify the lands included therein as in a deed of conveyance and was signed by the petitioners and acknowledged or proved in the same manner as a deed to be recorded, the metes and bounds read as follows:

WHEREAS, the proposed new Town Drainage District OPDD 1-3 is bounded and described in the map, plan and report, and

WHEREAS, the Town Board has given due consideration to the impact that the establishment of the new Town Drainage District OPDD 1-3 may have on the environment and, on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused by the establishment of such new Town Drainage District OPDD 1-3 and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, a duly executed Short Environmental Assessment Form has been filed in the office of the Town Clerk; and

WHEREAS, the Town Board has determined to proceed with the establishment of the proposed new Town Drainage District OPDD 1-3; and

WHEREAS, said new Town Drainage District OPDD 1-3 hereinabove described is to be constructed and paid for by or on behalf of the petitioners, Pleasant Acres West, LLC and the expense of the establishment and maintenance of the Drainage District shall be paid by the assessment, levy and collection of property taxes upon the several lots and parcels of land within the proposed Town Drainage District OPDD 1-3 in the same manner and at the same time as other Town charges.

NOW, THEREFORE, be it

RESOLVED AND DETERMINED: that the drainage infrastructure for said district is to be constructed by the owners of the premises, wholly at their own expense, and they have offered to convey the same without cost to the Town of Orchard Park free and clear of encumbrances, except right to access to said improvement by adjoining land owners, that the cost of connecting the same with the Town of Orchard Park drainage system shall be borne by the owners of properties benefited thereby, and be it further

RESOLVED AND DETERMINED: that the Town Clerk be and hereby authorized and directed to file a certificate of this resolution in the Office of the Clerk of the County of Erie, which is the County in which the said Town of Orchard Park is located, and the Office of the State Department of Audit and Control, within ten (10) days after the adoption of this resolution, pursuant to §195 of the Town Law.

The question of the adoption of the foregoing resolution was duly put to a roll call vote:

Supervisor Colarusso	Aye
Councilwoman Ackerman	Aye
Councilman Kaczor	Aye
Councilman Majchrzak	Aye
Councilman Graber	Aye

The resolution was unanimously adopted.

Old Business #1 Authorize Advertisement for Bids for Ellis Rd. Culvert & Outfall Replacement

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

WHEREAS, sealed informal bids were opened for the Ellis Road Culvert and Outfall Replacement Project on June 2, 2010, and of the two bids received, Milherst Construction submitted the low bid in the amount of \$41,928.00, but since the threshold for informal bids is \$35,000.00, this project will have to be formally rebid, and

WHEREAS, in order to stay on the project schedule, the Advertisement for Bids should be published on June 7, 2010. The bid opening will be on June 15, 2010

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize advertisements in the Orchard Park Press and The Buffalo News for sealed bids to be opened for the Ellis Road Culvert and Outfall Replacement Project at 11:30 A.M. on June 15, 2010 in the Supervisor’s Conference Room at the Orchard Park Municipal Center, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #1 Appoint 2010 Recreation Department Seasonal Staff

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

RESOLVED, that the Town Board does hereby authorize the following Summer 2010 "Seasonal" Staff appointments, as requested by the Recreation Director. These appointments are dependent upon the applicants providing the required certifications.

Name	Address	Rate	Position
Kelsey Anderson	Orchard Park	\$ 8.50	PT1-E (Lg)
Matthew Jennings	Orchard Park	\$15.00	PT6-D (Att)
Kaitlin Lipinoga	Cheektowaga	\$ 8.50	PT1-E (Lg)
Emerson Miller	Orchard Park	\$ 8.50	PT1-E (Lg)
Victoria Sypiewski	Orchard Park	\$ 8.50	PT1-E (Att)
Danielle Witcomb	Salamanca	\$ 9.50	PT2-D (Att)

The resolution was unanimously adopted.

New Business #2 Authorize Highway Super. to attend 2010 Assn. of Towns Highway School

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

RESOLVED, that the Town Board does hereby approve the request of the Highway Superintendent to attend the Association of towns 2010 highway School at Ithaca College, June 7 – 9, 2010, with the cost not to exceed \$500.00, and the monies are in the budget.

The resolution was unanimously adopted.

New Business #3 Authorize Advertisement of Bid for OP Municipal Center 2010 Renovations

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

WHEREAS, the Town Consultant Architect for the Orchard Park Municipal Center 2010 Renovation Project, TVGA Consultants, is finalizing the plans and specifications for the Orchard Park Municipal Center Renovations Project, and this project consists of the remodeling of the Town Clerk / Tax Collector Offices, a new Police Evidence Room, sidewalk repair/ replacement, new windows for the Board/Court Room, brick repointing, ceiling tile and carpet replacement, wall patching and painting, and cupola restoration, and

WHEREAS, in order for the project to stay on schedule, the Advertisement for Bids should be published on June 7, 2010. The bid opening will be on June 15, 2010.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby accept the plans and specifications for the Orchard Park Municipal Center Renovations Project as prepared by TVGA Consultants and authorize advertisements in the Orchard Park Press and The Buffalo News for sealed bids to be opened for the Orchard Park

Municipal Center Renovations Project at 3:00 P.M. on June 15, 2010 in the Supervisor's Conference Room at the Orchard Park Municipal Center, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #4 Appoint Summer Staff to the Engineering Department

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

WHEREAS, funds have been allocated in the 2010 budget for seasonal help in the Engineering Department, and after advertising in the Orchard Press, we received three applications interested in the Engineering Department's summer positions. With the current work load of the Engineering Department, and the experience of the applicants, I am requesting that two summer help appointments be made this year, and

WHEREAS, Yenebebbiwot ("Yen") T. Wolde is a SUNY Erie Community College student starting his junior year of schooling in Civil Engineering Technology in the fall of 2010. Yen was selected for an internship by the school and has proven to be a hard working student with a 3.80 GPA, and

WHEREAS, Andy Gorham is a University of Texas, Cockrell School of Engineering student from Austin Texas, completing his sophomore year of schooling in Biomedical Engineering. Andy has also proven to be a hard working student with a 3.84 GPA.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the following summer help appointments to the Engineering Department, as recommended by the Town Engineer

- Yenebebbiwot ("Yen") T. Wolde, 978 Hertel Avenue, Buffalo, New York 14216 to a seasonal position in the Engineering Department for a twelve-week period beginning June 3, 2010 at a wage rate of \$9.25/ hour.
- Andy Gorham, 315 Stonehenge, Orchard Park, New York 14127 to a seasonal position in the Engineering Department for a twelve-week period beginning June 7, 2010 at a wage rate of \$8.00/hour.

The resolution was unanimously adopted.

New Business #5 Create a 2-tier wage classification of the Code Enforcement Officer position

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

WHEREAS, the Town Building Inspector would like to promote a hard-working individual within the Building Department, and create a 2-tier wage classification of the Code Enforcement Officer position on the White Collar Union Wage schedule to differentiate employee experience and have the option to hire within the same title at a much lower rate, and

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby move to create an additional wage range for Code Enforcement Officer-I to be placed on the White Collar Wage Schedule Range 8, and be it further

RESOLVED, that the Town Board does hereby move to adjust the current Code Enforcement officer of Range 11 to read "Code Enforcement Officer-II", and be it further

RESOLVED, that the Town Board does hereby appoint David Jensen, provisionally, to the position of the lower title of Code Enforcement Officer-I on Range 8, Step E, until a competitive promotional exam is administered by Erie County, at which time Mr. Jensen must take and pass the exam, as recommend by the Building Inspector

The resolution was unanimously adopted.

New Business #6 Authorize Supervisor to sign an Agreement with OP Schools & Modern Disposal

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement between the Town of Orchard Park and the Orchard Park School Districts for Recycling Services with Modern Disposal, as recommended by the Town Attorney.

The resolution was unanimously adopted.

New Business #7 Posting of Vacancy & Appoint Fulltime Maintenance Worker

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

WHEREAS, due to the retirement of Thaddeus Beale, all the fulltime duties and the burden of maintaining the Municipal Building is being handled by one person, and the Town would like to hire another full time employee, and

WHEREAS, the money has already been allocated for two fulltime workers, and there would no additional financial burden to the taxpayers of the Town of Orchard Park, and

WHEREAS, this position falls within the restrictions of the White Collar Union, Section 9.04, and the Town will comply with the posting for the required five (5) days with copies of such posting being given to the President of the Association, and

WHEREAS, the Town would have to comply with regulations of Erie County Personnel by creating one (1) additional position of Assistant Maintenance Worker, Fulltime, non-competitive, for the Town of Orchard Park,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby agree to the posting of the vacancy; creating one (1) additional position of Assistant Maintenance Worker, Fulltime, non-competitive, and be it further

RESOLVED, that the Town Board does hereby appoint Robert Benning, 62 Hodson Rd., Orchard Park NY 14127, to the position of Assistant Maintenance Worker (non-competitive), Fulltime, in the Maintenance Department, starting work on June 7, 2010 at a wage rate of \$16.40/hr on the CSEA White Collar Wage Schedule (Pending Settlement), Job Range 5, and Step B, as recommended by the Town Supervisor.

The resolution was unanimously adopted.

New Business #8 Appoint Seasonal Part-Time Laborer

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

RESOLVED, that the Town Board does hereby appoint Andrew Belica to the seasonal position of part-time laborer, at wage scale of \$7.50 per hour (PT-1), as recommended by the Highway Superintendent.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

David Schuster – Mr. Schuster discussed some of the negative Wal-Mart items in the news and the shoddy products they sell and promote. He is so appalled in the way they operate.

Lou Boehm – Mr. Boehm stated that the Town should be spending as much time looking into ways to make Orchard Park more family friendly as they do pursuing businesses.

ELECTED OFFICIALS & DEPARTMENT HEADS

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

WHEREAS, the Mercy Ambulatory Care Center, 3669 Southwestern Blvd, located on the south side of Southwester Blvd. east of Taylor Road, has requested a Building Permit to construct an area totaling approximately 625 sq.ft. to contain bulk oxygen tanks and equipment enclosed with a chin link fence/gate and steel bollards, and

WHEREAS, this request was referred to the Planning and Conservation Boards on May, 5, 2009.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve a Building Permit for the Mercy Ambulatory Care Center for the construction of an area totaling approximately 625 sq.ft to contain bulk oxygen tanks and equipment enclosed with a chain link fence/gate and steel bollards based on the sketch plan received 4/27/10 as recommend by the Planning Board with the following stipulations:

- This is an Unlisted SEQR action based on the submitted Short EAF, Parts One and Two and a Negative Declaration is made.
- Any additional site lighting shall be submitted to the Planning Board for approval.
- The dimensions will be no greater than 80ft x 40ft of the tent, which are depicted on the submitted site plans with the approximate location.
- There will be no banners, or additional signage for this facility.
- Post Construction inspection for aesthetic appearance is to be scheduled with the applicant, Planning Board Chairman and Planning Coordinator. The applicant has agreed to make improvements as recommended.
- Dumpsters shall be screened in accordance with §144-25 of the Town Code.
- There will be two tanks, one has a 5,000 lb capacity and the other has a 3,000 lb capacity and they will be coming from Praxair.

#8
Amended
10/6/2010

- The location that was chosen is the shortest area to run underground piping supply and the most effective area for tractor trailers to enter and leave the site.

The resolution was unanimously adopted.

Councilwoman Ackerman stated that the new Art Work from the Orchard Park students will be gracing the walls of the Municipal Center very soon.

Councilman Kaczor stated that the new Recreation Department Program Brochure is being mailed out. He also noted that the remodeling that is going to take place in the Municipal Building will include the previous Tax Receivers office. It is going to be converted so that Youth Board Director, David Rebmann, will have an office and it is also going to be set up so the Town Historian, Sue Kulp, can have an office, to meet people and store her historical documents. Councilman Kaczor discussed how New York State is now using fees to raise more money instead of raising taxes. As an example, he stated that on his car insurance, there is now a \$20.00 New York State Law Enforcement fee.

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

WHEREAS, the Town of Orchard Park plays music as part of the Senior Citizens & Recreation Programs, and

WHEREAS, in order for the Town to be compliant with the laws covering copyrighted music, it needs to pay for a license to play the music.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor execute the SESAC LLC., Performance License for the playing of music within the Town of Orchard Park, and forward \$563.00 to the same for this license.

The resolution was unanimously adopted.

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

WHEREAS, the State Legislature adopted a law authorizing the Towns of Orchard Park and Elma to continue their program of Conservation Easements,

WHEREAS, the Town Attorney has drafted a Local Law to implement the law passed by the Legislature

NOW THEREFORE, be it

RESOLVED, that the Town Board is hereby authorized to schedule a Public Hearing on Wednesday, July 21, 2010 at 7:00PM (local time) in the matter of the adoption of Local Law # 1 for the year 2010, entitled "Conservation Easements" which is pursuant to §491 of the Real Property Tax Law, and be it further

RESOLVED, that the Town Clerk is hereby directed to publish due notice thereof.

The resolution was unanimously adopted.

Highway Superintendent Fred Piasecki said the Highway Department is starting one of their total reconstruction projects on Ellis Road, which will include total reconstruction of the road, drainage and gutters and will take about 3 ½ months to finish. He also announced that Erie County is holding its Household Hazardous Waste Drop Off Day at Erie Community South on June 19, 2010. Mr. Piasecki also noted that his Deputy, Ernie Matthews, who has been part of the Hillcrest Fire Company for over 30 years is receiving the "Fire Service Community Achievement Award", which is presented to only one individual in the State who displays exemplary community service and leadership skills.

Legislator John Mills reported that the County is putting some much need work into Chestnut Ridge Park and Casino. He then outlined some of the projects; new windows and a new roof for the Casino, hired a concessionaire who will work the concession stand at the Casino 12 months a year, and will also cater if anyone would like to rent out the Casino; next winter the County will rent out toboggans, some remedial work to the lake by the Commissioners Cabin to open the lake up to more activity, repaved the entrance, and repairing the shelters. Mr. Mills added that the Buffalo BPO is going to play at the foot of the hill by the Casino this July and people will be able to sit on the hill to watch. He then stated that Jewett Holmwood is on target to be resurfaced.

18) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR COLARUSSO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN ACKERMAN, TO WIT:

RESOLVED, that the Town Board does hereby authorize the approval of all entries on Warrant #11 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$47,320.70
Part Town Fund	\$1,125.90
Risk Retention	\$189.95
Cemetery Fund	\$0.00
Highway Fund	\$21,245.61
Special Districts	\$5,267.38
Trust & Agency	\$12,205.72
Capital Fund	\$158,050.00

The resolution was unanimously adopted.

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

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

- Chief of Police's Monthly report for April 2010
- Orchard Park Economic Development Committee 2009 Annual Year End Financial Report.
- Orchard Park Town and Village Historian Activities Report.
- Building Inspector's Monthly Report & Building Permits for May 2010.
- Assessor's End of 2009 Roll Year Report.

The resolution was unanimously adopted.

There being no further business, on motion by Supervisor Colarusso, seconded by Councilwoman Ackerman, the meeting was adjourned at 8:27 PM (local time).

Respectfully Submitted,

Carol R. Hutton

Carol R. Hutton
Town Clerk