

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 6th day of June, 2012 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
	Andrew Geist	Building Inspector
	Andrew Benz	Chief of Police
	Wayne Bieler	Town Engineer
	Frederick Piasecki, Jr.	Highway Superintendent

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 & Awards for the Recreation Department

Recreation Director, Ed Leak, stated that the National Parks Association designates June 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 Recreation Commission Chairperson, Audrey Ramage, to help present the Community Appreciation awards. The awards went to Emily Frost, Emily Lewandowski and Justine Brennan, who have been student members of the Recreation Commission for the last two and a half years.

Mr. Leak stated that he would like to recognize two companies in the community, the Hillcrest Fire Company and Fox Run. The Recreation Department holds several special events throughout the year and the Hillcrest Fire Company volunteers their services every time. He then introduced Ernie Matthews, Chief of the Hillcrest Fire Company, and Mr. Tripp Higgins, Director of Marketing at Fox Run, which is one of the original corporate sponsors. Mr. Leak introduced Erie County Legislator, John Mills who has a long history with the Recreation Department on a personal and professional level. Mr. Mills was very supportive of the Recreation Department when he served on the Orchard Park Town Board and with the Erie County Legislature. Councilmember Kaczor recognized and thanked Audrey Ramage for volunteering her services for the last ten years as the Recreation Commission Chairperson.

Recognition for the Youth Court Students

David Rebmann stated this is the 17th year of Youth Court and he honored the founders of the Youth Court; former Councilmember Nan Ackerman, former Town Attorney Len Berkowitz, former Town Justice Phil Marshall, former Chief of Police Sam McCune and former Youth Board Director, Thomas McGinty.

The Town's Youth Court is the official alternative to Erie County's Family Court, and is 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 introduced Youth Board members, Emily Wiencek and Ben Schaefer, who presented the awards and read the biographies for the following Youth Court members who are graduating this year:

Liam Speyer, Daniel Morris, Casey Young, Jon Barnhard, Matt Lee, Stephanie Houser, Mark Simson, Richard Young, Michael Raab, Justine Brennan, Jordi Jeziorski, Emily Lewandowski, Patrick Brierley and Ryan Kelly.

Mr. Rebmann stated that in memory of Thomas McGinty, one of the founders of the Orchard Park Youth Court, a Scholarship Award is presented to a deserving student. He stated how much Mr. McGinty was missed and was pleased to introduced Mrs. McGinty and her sons, Brian and Jeff who were in the audience. The Thomas McGinty Scholarship Award is given to a member of the Youth Court who is outstanding in their service, dedication and representing what the Youth Court stands for. The members of the Youth Court voted to select the Outstanding Youth Board Member. The following individual was selected to receive the Thomas McGinty Memorial Youth Court Award – Ryan Kelly.

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

RESOLVED, that the Regular Town Board Meeting minutes held on May 16, 2012, & the Executive/Special Session Meeting Minutes of May 16 & 23, 2012 are hereby approved, and be it further

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

The resolution was unanimously adopted.

Old Business #1 Authorize Building Permit and Site Plan Approval

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 the plan received on 6/6/12 to construct a 167,249 +/- sq. ft. Medical Center as petitioned by Krog Corp, Quaker 20A LLC, for Vacant Land located on the south side of Big Tree Road, east of Route 219 (adjacent to the First Baptist Church), Zoned D-R, as recommended by the Planning Board based on the following conditions and stipulations:

1. Town Board approves the Long EAF Parts 1 and 2 (submitted on 8/25/11, traffic Impact Study submitted on 1/19/12 and revisions submitted on 5/24/12 and 5/30/12);
2. The Landscape Plan, received 8/16/11, shows buffering and preservation of the existing vegetation and revised landscaping plans were received on 6/5/12 for the entrance way for Option "B" and Option "C". The plan includes 61% total interior green space and 14.2% Interior Parking Lot Green Space. In accordance with Section 144-44©(1)(a)(2), a Certified Check amounting to 50% of the \$135,435.00 Landscaping Estimate shall be deposited with the Town Clerk prior to receiving a Building Permit.
3. Final Engineering Approval must be granted prior to issuing a Certificate of Occupancy.
4. The Planning Board Chairperson must approve the Photometrics Lighting Plan, Building elevations, Facade Plans and Final Engineering approval prior to issuing a Building Permit.
5. The project is recommended with the submitted Option "B" (5/25/12) and Option "C" (5/24/12) for the entrance way with possible slight variations as long as there is alignment with Taylor Road and Engineering approval.

The resolution was unanimously adopted.

New Business #1 Approve 2012 Stable Permit

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 approve the 2012 Stable Permit to Sandra Nunn, Sandybrook Farm & Stable, 6265 Powers Road, as recommended by the Building Inspector.

The resolution was unanimously adopted.

New Business #2 Appointments to Recreation Department

4) 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 following appointments to the staff of the Town of Orchard Park Recreation Department.

<u>Name</u>	<u>Address</u>	<u>Rate</u>	<u>Position(Title*)</u>
Alex Ciolek	4475 Transit Rd	\$8.50	PT1-E (LG)
Grace Coyle	26 Edgewater Dr	\$8.50	PT1- E (LG)
Jacob Cuddihy	50 Fairway Dr	\$8.50	PT1-E (Att)
Jason Flemming	2325 Winterberry Dr	\$8.50	PT1-E (LG)
Karin Freyer	293 Brantwood Rd	\$9.00	PT2-B (Att)
Brian Manley	2 Winterhall Road	\$8.50	PT1-E (LG)
Emily Magavern	35 Sylvan Circle	\$8.50	PT1- E (Att)
Matthew Nedimyer	7687 Lower East Hill Rd	\$8.50	PT1- E (LG)
Mary Owczarczak	30 Ranch Trail Ct	\$8.50	PT1- E (Att)
Ellen Piccillo	5292 Oakridge Dr	\$8.50	PT1- E (LG)
Hanna Pollak	18 Edgewater Dr	\$8.50	PT1- E (LG)
Clara Rich	144 Long Ave	\$8.50	PT1- E (LG)
Megan Robertson	62 Potter Ave	\$9.00	PT2-B (Att.)
Taylor Schmitt	149 Hemlock Dr	\$8.50	PT1- E (LG)
Jane Stevenson	#17 B Elk Terminal Lofts	\$10.50	PT3- C (Att)
Michael Stevenson	80 Graystone Lane	\$8.50	PT1- E (LG)
Peter Tremblay	11045 Ketchum Rd	\$8.50	PT1- E (Att)
Joshua Tryon	119 Ashwood Lane	\$8.50	PT1- E (LG)
Michelle Vasiloff	3578 Heatherwood Dr	\$8.50	PT1- E (LG)
Reilly Wesolek	6530 Gowanda State Rd	\$8.50	PT1- E (LG)
Alexis Wojtowicz	135 Kenton Place	\$8.50	PT1- E (LG)

Note: The above appointment is dependent upon the applicant providing the required certifications.

The resolution was unanimously adopted.

New Business #3 Approve 5K Run

5) 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 approve the request for Our Lady of the Sacred Heart Church to hold their 5K Run on June 14, 2012 at 6:00 PM.

The resolution was unanimously adopted.

New Business #4 Authorize Police Department Bike Auction

6) 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 Chief of Police to hold the Annual Bike & Property Auction, June 23, 2012, at 10:00 AM, in the rear of the Orchard Park Municipal Center, located at 4295 South Buffalo Street, in the Town of Orchard Park, and be it further

RESOLVED, that the Town Clerk shall publish due notice in the official newspaper of the Town.

The resolution was unanimously adopted.

New Business #5 Cancellation of July 4, 2012 Town Board Meeting

7) 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 cancellation of the Wednesday, July 4, 2012, Town Board Meeting, due to the Fourth of July Parade, and be further

RESOLVED, that the Town Clerk shall publish due notice in the official newspaper of the Town.

The resolution was unanimously adopted.

New Business #6 This item was Tabled

New Business #7 Authorize Creation of a Civil Service Position

8) 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 creation of a Civil Service position entitled "Real Property Appraiser, PT (Noncompetitive)" as requested by the Town Assessor, as budgeted.

The resolution was unanimously adopted.

New Business #8 This item was Tabled

New Business #9 Appointment to the Comprehensive Plan Implementation Committee

9) 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 appoint Nan Ackerman to the Comprehensive Plan Implementation Committee (CPIC), as requested by the CPIC.

The resolution was unanimously adopted.

New Business #10 Town of Orchard Park to Sponsor 4th of July Parade

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

WHEREAS, historically there has been a 4th of July parade in the Town of Orchard Park sponsored by the Orchard Park Chamber of Commerce, and

WHEREAS, the Orchard Park Chamber of Commerce has determined that it will not sponsor such a parade for the July 4, 2012 holiday,

NOW, THEREFORE, be it

RESOLVED, that the Town of Orchard Park will sponsor the July 4, 2012 Orchard Park 4th of July parade, and the Town of Orchard Park will appoint a committee of volunteers to act as agents of the Town of Orchard Park in organizing and administering this holiday event.

The resolution was unanimously adopted.

New Business #11 Authorize Creation of a Civil Service Position

11) 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 creation of a Civil Service position entitled "Assistant Network Coordinator, Full-time" for the IT Department (Information Technology Department) as budgeted.

The resolution was unanimously adopted.

New Business #12 Appoint Summer Staff to Sewer, Water & Lighting Department

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

WHEREAS, funds have been allocated in the 2012 budget for two seasonal employees in the Sewer, Lighting & Water Department, and

WHEREAS, Devon Kelly applied for a summer position. Devon is currently attending Fredonia State University and will attend again this fall as a senior for his BS in Guitar.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby recommend that you appoint Mr. Devon Kelly, 6 Chase Rd, Orchard Park, New York 14127, to a seasonal position in the Sewer, Lighting & Water Department for approximately a twenty-week period beginning May 22, 2012 at a wage rate of \$8.50/hour.

The resolution was unanimously adopted.

New Business #13 Appoint Summer Staff to the Engineering Department

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

RESOLVED, that funds have been allocated in the 2012 budget for seasonal help in the Engineering Department. With the current work load of the Engineering Department, and the course study of the applicant, I am recommending Adam Hanley who has applied for the summer position in the Engineering Department this year. Adam is currently attending Clarkson University and plans to graduate in May of 2013, and

RESOLVED, that the Town Board does hereby recommend that you approve Adam Hanley, 7 Goodrich Rd. Lackawanna, New York 14218 to a seasonal position in the Engineering Department for a fourteen-week period beginning June 7, 2012 at a wage rate of \$8.75/hour.

The resolution was unanimously adopted.

New Business #14 Authorize Attendance to NY Water Environment Association Conference

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

WHEREAS, the New York Water Environment Association (NYWEA) is a professional organization dedicated to supporting effective water and wastewater quality management programs at the national, state, and local levels. NYWEA hosts a spring conference in a different city each year and this year the annual conference will be held in Buffalo. This conference will provide an opportunity to get updates on regulations, network, and exchange ideas while acquiring updated knowledge to provide the Town with the tools needed to efficiently, and effectively function in today's changing world, and

WHEREAS, the NYWEA conference begins on Monday, June 4 and ends Wednesday, June 6 with the opportunity to attend the subject that best suits our needs from "blocks" of sessions on topics such as stormwater regulatory updates, integrating and implementing green infrastructure and sanitary sewer pipeline rehabilitation. After review of the conference program, it seems appropriate for Jason Doktor and me to attend two days of the conference and Tom Ostrander to attend only the Tuesday session, and

WHEREAS, the NYWEA Spring Conference is a valuable industry-recognized source of information, which is strongly recommended by those in the field of stormwater and wastewater. The Engineering staff will be responsible for their own time for travel to and from the conference. The cost is \$160/member/\$240 non-member for Tuesday attendance and \$110/member/\$190 non-member for Wednesday attendance, which includes the conference and lunch. For cost saving measures, Jason Doktor and I have signed up for a membership to NYWEA at a cost of \$68 and \$151 respectfully. This results in a cost savings of \$101 as opposed to a two-day attendance at the non-member pricing.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize Thomas A. Ostrander, Jason P. Doktor, and Wayne L. Bieler to attend the 2012 NYWEA Spring Conference on June 5th and 6th in Buffalo, New York in an amount not to exceed \$999 which includes the conference and membership, as budgeted.

The resolution was unanimously adopted.

New Business #15 Authorize Attendance to the NY Zoning & Development Law Workshop

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

WHEREAS, this one-day seminar provides comprehensive training on New York Zoning & Development Law for those involved in site plan review and land development. The course is given by leading industry professionals so that those involved in land development, zoning and relating legal litigation can be up-to-date on continuing education for licensing requirements and ensuring approvals are SERQ compliant and able to with stand litigation challenges, and

WHEREAS, the New York Zoning and Development Workshop will cover the following subject areas; Verizon's \$4.5 Billion Data Center Proposal, Town of Somerset, Overview of New York's Zoning Laws, An Overview of Select "Planning" Laws, State Environmental Quality Review Act (SEQRA), Litigating/Appealing a Land Use Challenge in NYS Courts, and Conflicts of Interest/ Appearance of Impropriety in Land Use Cases and

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby recommend that you authorize John Bailey, Town Attorney or Wayne L. Bieler P.E., Town Engineer to attend the HalfMoon LLC., New York Zoning & Development Law Workshop in an amount not to exceed \$259.00, as budgeted.

The resolution was unanimously adopted.

New Business #16 Authorize State Environmental Quality Review (SEQR)

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

WHEREAS, as part of the latest planned phase of the Birdsong Subdivision, Dominic Piestrak is in the process of developing plans to expand the Subdivision to include the Bray property which fronts on Freeman Road. As part of this phase, Mr. Piestrak has offered to construct a regional flood control basin to alleviate some of the flooding that currently occurs downstream of the project in the Meadows of Highlands complex and further downstream within the Village. This basin will occupy approximately 48.6 acres of the Bray parcel between Highland Ave. and Fairway Drive along Freeman Road. This land will be deeded to the Town upon completion of the basin. The project will also include a trail system connected to the existing Birdsong Park Trails to the Village and will add approximately 48.6 acres of public land to Birdsong Park, and

WHEREAS, the berm that will be constructed along Freeman Road to create the basin meets the criteria to be considered a dam according to NYSDEC and Army Corps regulations. Therefore, a joint application to the DEC and Army Corps was required for this work with the Town being the applicant as the Town will become the owner of this property and basin upon completion of the construction of the project. Please be advised that the NYSDEC and Corps require that SEQR be completed prior to their approval of this project. Currently the Town Engineering Department is researching CFA grants for both this Regional Flood Control and Yates Barn Regional Flood Control property.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does seek lead agency status under the State Environmental Quality Review Act for the proposed Regional Flood Control Basin on Freeman Road, and authorize the Town Attorney and Town Engineer to proceed with any necessary legal documents or agreement for this project.

The resolution was unanimously adopted.

New Business #17 Authorize Attendance to Highway School

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

RESOLVED, that the Town Board authorize the attendance of Fred Piasecki, Highway Superintendent, to attend the Highway School, June 11-13, 2012, at Ithaca College, Ithaca, NY, with a cost not to exceed \$375.00, as budgeted.

The resolution was unanimously adopted.

New Business #18 Authorize Purchase of New 2012 International Truck

18) 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 Fred Piasecki, Highway Superintendent, to purchase a new 2012 International Truck (7500 SFA 4X2 Cab & Chassis). The cost of this new truck, cab and chassis is \$144,431.28 under New York State Bid Contract, as budgeted.

The resolution was unanimously adopted.

New Business #19 Approval of Lawn & Property Maintenance

19) 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 Building Inspector Andrew Geist to obtain informal bids for lawn mowing every other week for the 2012 season for the following properties: 5801 Armor Duells Rd, 270 Lawrence Woods, 4 Cherokee Dr., and 3640 Southwestern Blvd. with the costs applied to the tax rolls of each individual property.

The resolution was unanimously adopted.

New Business #20 Refer to the Conservation Board and Planning Board

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

WHEREAS, that Dominic Piestrak is requesting the rezoning of Vacant Land, 95.7 +/- acres located on the east side of Freeman Road, north of Jewett Holmwood Road, Zoned R-1. Project is known as "Birdsong west subdivision" (Formerly Bray parcel) Request is to rezone a portion of the property to develop a Conservation Management Overlay District (CMO). (SBL# 173.10-1-13 & 173.02-1-1).

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Dennis Mill – He stated that The Historical Society received a letter from the Town Attorney, on behalf of the Town Board, in regards to the termination of the agreement between the Orchard Park Historical Society and the Town for the Jolls House usage of the Museum. Mr. Mill asked if there was any way they could continue their present agreement to use the Jolls House. The Historical Society is very appreciative of all the help the Town has provided in the past and hopes that they have not done anything to upset the working relationship that they have enjoyed. He stated that the Historical Society would be willing to meet with the Town Board to try and find a resolution.

Councilmember Kaczor explained that in the letter it stated that the Town wanted to meet with the Historical Society to discuss a new agreement to continue its relationship with the Historical Society. The reason for proposing a new agreement is due to government scrutiny the Town is under with the utilization of funds to support different agencies that serve the community. The old agreement was written in 1996, which states the Historical Society would be responsible for all of the electric, gas and heat. Under audit procedure, New York State could question the Town as to where the money was for these utilities. The termination of the agreement is to rewrite an updated version to reflect the times.

Mr. Gaetanos, Attorney for Nancy Stanowick – He stated that the dispute between Krog Corporation and Ms. Stanowick in connection with the Route 20A project is yet unresolved, however, with input from the Conservation Board, Planning Board, Town officials and a representative from Krog Corporation, he felt that this could be resolved.

Mary Fenn – She requested the status on the Forest Drive Bridge Reconstruction Project. She wanted to know if any decisions have been made on which plan will be used to complete the project.

Michele Phillips – She also came to the meeting regarding information on the Forest Drive Bridge Reconstruction Project. She thought it would be a shame if the Town Board were to spend \$24,000 on a water park vs. helping neighbors with their drainage issues in the Village and Town.

Mary Jude Eck-Sovinski – She related the numerous watermain breaks on Timberlake Drive which has been going on for years. The Erie County Water Authority notifies the Town every year that the waterlines need to be replaced. The pipes are 50 years old and can't support the increasing population of Eagle Heights. She asked the Town officials to consider fixing the infrastructure on Timberlake Drive.

Carol Jo Pope – She is a resident on Timberlake Drive and asked the Town to resolve the issue of the watermain breaks. The infrasture is ancient and needs to be replaced as recommended by the Erie County Water Authority.

Tony Marchitte – He asked about dispatch and was referred to Chief Benz.

Suzanne Kulp – She is the Town and Village Historian. She believes that the Historical Society should present the Town with an audited financial report every year.

Richard VanOver – He is the Treasurer of the Historical Society and invited anyone to inspect the financial records if they wished to do so. The money they have has been invested to support their activities. Money has been received through memorials and by a substantial donation from Sue Printy estate. The day to day funds are supported by membership dues and fund raisers.

Estelle Adelman – She is the Secretary of the Historical Society and stated that at every meeting there is a Treasurer's financial report available.

Supervisor Colarusso asked Town Engineer Bieler to explain the progress regarding the Forest Drive Bridge Reconstruction Project. He stated that the Department of Transportation has granted preliminary approval of the bridge design and the Town Board will be sending a letter to facilitate the next step. Town Attorney Bailey sent a letter requesting the Village to contribute \$100,000 towards the drainage improvement project in order to elevate the bridge. The total estimate of the project is \$460,000. The Town will be responsible for \$360,000. The original plan or the new option will improve the drainage flow and allow the 100 year storm to pass through cleanly. The Town is subject to the tax cap and it would have to put through as a Bond Act from the Town Board and submitted under Capital Projects in July. The Village should respond after July 12, 2012 after their Village Board meeting. The reason the Town is involved over the Village project is due to the length of the bridge, which by New York State Law any bridge over 20 ft. long, it is the legal responsibility of the Town to replace it. The Town has become involved with solving the flooding problem and reconstruction with the Village. Councilmember Majchrzak stated that the Town has gone from \$200,000 participation which is the Town's obligation to \$560,000.

In reference to the Timberlake watermain problems, Town Engineer Bieler stated that Erie County Water Authority requested that the Town put that on the repair list for the first time in 2010. ECWA currently has about 2 million dollars worth of work requested for the Town to do. Out of the twelve projects listed, Timberlake is one of the last two. The cost of the repairs would be through the residents ECWA water rates. He estimated that replacement of the lines would cost about \$600,000 subject to the 2% tax cap. That payment would be the responsibility of the Town residents of that district.

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

RESOLVED, that the Town Board does hereby make the following Budget Transfers:

From: \$114,600.00 – PS.9060.0814 Police-Hospital & Med. Insurance

To: \$ 27,600.00 – PS.3120.0108-Police – Signing Stipend
\$ 87,000.00 – PS.3120.0107-Police-Holiday Stipend

REASON: Due to the settlement/signing of the PBA & COA Contract it is necessary to move funds from the Insurance budget line into the two new Police budget lines for the Signing Stipend and the Holiday Stipend that are part of the new contracts.

The resolution was unanimously adopted.

ELECTED OFFICIALS & DEPARTMENT HEADS

Councilmember Kaczor – He wanted to recognize Ernie Matthews and those who helped him for planting the beautiful garden at Green Lake in conjunction with the Annual Cystic Fibrosis Walk.

Councilmember Majchrzak – He stated in response to a comment from the floor, that the monies used for the Splash Pad at Green Lake can only be used by Parks and Recreation since it is not taxpayers monies, but funded by developers for the required land or money from the Town. He promised the residents of Timberlake Drive that he would work with Town Engineer Bieler to move it up on the list Capital Improvement Projects.

Chief Benz – He mentioned the Our Lady of the Sacred Heart 5K Run would be held on June 14th and the Recreation Triathlon will take place on June 17th.

Fred Piasecki – He reported on the progress of the Iroquois Drive Reconstruction and Benning Road to Behm Road. On Saturday, June 16th there will be a Hazardous Waste Drop Off at ECC South from 9:00 am to 2:00 pm.

Erie County Legislator, John Mills – He stated that the Timberlake Drive waterlines problem should be bonded, but Capital Projects are prioritized. He stated that the County is replacing the Lake Avenue bridge and is hoping to reconstruct Lake Avenue in 2013. He is looking into a problem with the slope off of Taylor Road on to Ventura Drive and Burbank Drive. He spoke about Capital Projects concerning Chestnut Ridge and Emery Park. Supervisor Colarusso asked if Legislator Mills could give an update on The Buffalo Bills Ralph Wilson Stadium. He stated that it is going through negotiations and the Erie County Executive wants to put \$10,000.00 away in the 2013 budget as the County’s commitment to the Stadium. A substantial amount of money will have to put into the negotiations and hopefully most of it will be funded by New York State, as it receives the benefits of the taxation. The lease agreement will end in July 2013.

22) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR COLARUSSO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER KACZOR, 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	\$51,340.73
Public Safety Fund	\$4,118.36
Part Town Fund	\$2,206.87
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$28,798.38
Special Districts	\$151,345.15
Trust & Agency	\$3,668.18
Capital Fund	\$163,584.03

The resolution was unanimously adopted.

23) 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 receive and file the following Communications:

- Report on Historian’s Activities from Suzanne S. Kulp, Orchard Park Town and Village Historian.
- New York Public Interest Research Group Fund, Inc. (NYPIRG) is a non-partisan, corporation organized, in 1976 under the NYS Not-For-Profit Corporation Law. NYPIRG’s areas of concern include consumer protection, environmental preservation, public health and several other public policy issues. A door-to-door outreach will be conducted for a brief period between May 29th and July 31st, circulating support statements, soliciting small contributions, distributing information & recruiting support on a variety of issues of concern to the community. For information call Scott Benedict at 716-795-7012.

- Letter and signed petitions from residents from Duerr Rd, Briggs Dr, California Rd and Thorn Ave who are against the Proposed Medical Center v/l, South Side of Big Tree Road, Route 20A (East of U.S. Route 219).

The resolution was unanimously adopted.

24) 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 receive and file the following Reports:

- Chief of Police Monthly Report for April , 2012
- Building Inspector's Monthly Report for the Month of May, 2012

The resolution was unanimously adopted.

There being no further business, on motion by Supervisor Colarusso, seconded by Councilmember Kaczor, the meeting was adjourned at 8:39 PM (local time).

Respectfully Submitted,



**Carol R. Hutton
Town Clerk**