

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 16th 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
	Andrew Benz	Chief of Police
	Frederick Piasecki, Jr.	Highway Superintendent
	Wayne Bieler	Town Engineer

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 COUNCILWOMAN ACKERMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN KACZOR, TO WIT:

RESOLVED, that the minutes of the Regular Town Board held on June 2, 2010 and Executive Session/Special Meetings held on June 2, 2010 as presented by the Town Clerk are hereby approved, and be it further

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

The resolution was unanimously adopted.

PUBLIC HEARING

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

To rezone property at the request of Keith Bernard, 3730 Transit Road (SBL#163.09-2-6.2) from R-1 to R-1 Special Exception Use for the purpose of constructing a tennis court.

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 spoke

2) 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 rezoning property at the request of Keith Bernard, 3718 Transit Road from R-1 to R-1 Special Exception Use for the purpose of constructing a tennis court , is hereby closed at 7:08 PM (local time).

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby authorize the rezoning of property at the request of Keith Bernard, 3730 Transit road, from R-1 to R-1 Special Exception Use for the purpose of constructing a tennis court with the following stipulations:

- This is an Unlisted SEQR action based on he submitted Short EAF, Parts One and Two and a Negative Declaration is made.
- Acreage fees shall be paid in accordance with §144 Attachment 1(C) of the town Code prior to publication of the Public Hearing Notice.
- This motion is contingent upon the applicant completing the project as proposed on the preliminary development plans received on 3/24/08 and shall revert to its original zoning classification if the project is not completed per §144-67 of the Town Code.
- Planning Board has reviewed the petitioner's project per §144-43C of the Town Code and found no detrimental issues.
- The tow separate parcels must be merged prior to receiving a Building Permit.

The resolution was unanimously adopted.

Old Business #1 Schedule Public Hearing to Rezone vacant land at Taylor & New Taylor Rds.

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

RESOLVED, THAT THE Town Board is hereby authorized to schedule a Public hearing on July 7,2010 at 7:00 PM to rezone vacant land located on the east side of Taylor road, north of New Taylor Road (SBS#'s 161.00-3-26 & 161.19-2-2) from 4-3 Special Exception Use back to I-1, and be it further

RESOLVED, that the Town Clerk shall publish due notice in the official newspaper of the town, and be it further

RESOLVED, that notifications are to be sent to residents living within 1,000 ft. of subject project and to the owner of the property.

Councilwoman Ackerman stated that she has been in contact with Sean Hopkins, Attorney for the petitioner, who will be present at the Public Hearing with information on the plans for this property.

The resolution was unanimously adopted.

Old Business #2 Schedule Public Hearing to rezone land from A-1 to I-1 Boston Valley Terra Cotta

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

RESOLVED, that the Town Board is hereby authorize to schedule a Public Hearing on July 7, 2010 at 7:00 PM for Boston Valley Terra Cotta, 6860 South Abbott Road to rezone land from A-1 to I-1 (SBL# 197.00-1-12.1) for expansion of existing manufacturing facility, and be I further

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

Councilwoman Ackerman stated that she and Councilman Kaczor attended a presentation by Boston Valley terra cotta and stated they would never ask for another variance.

The resolution was duly adopted.

Old Business #3 Award Contract for Ellis Road Culvert & Outfall Replacement Project

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

WHEREAS, bids were opened for the Ellis Road Culvert and Outfall replacement Project for the Ellis Road Reconstruction Project on June 15, 2010, and

WHEREAS, the project was bid on a lump sum basis for the installation and removal of culvert pipes. The Engineering Department has reviewed those itemized prices of the four contractors who submitted Bids. The lowest bid of \$35,200.00 was below the engineer's estimate of \$40,000.00 for the project, and

WHEREAS, the low bidder for this project was Tom Greenauer Development, Ind. The company has been in business since 1975 and has successfully completed various culvert installation projects in the past for the town, and

WHEREAS, there is presently \$33,360.00 plus interest allocated under Capital Project #H-77, Ellis Road Reconstruction and Drainage for this project work per Capital Project Report. The remaining future project costs are to e provided through the bonding.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby award the contract for the Ellis Road Culvert and Outfall Replacement Project to the lowest responsible bidder, Tom Greenauer Development, Inc. P.O. Box 250, Springbrook, NY 14051, in the amount of \$35,200.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business #4 Award Contract for Collection, hauling & Disposal of Municipal Solid Wastes

7) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN ACKERMAN COUNCI, WHO MOVED ITS ADOPTION, SECONDED BYLMAN MAJCHRZAK, TO WIT:

WHEREAS, bids were opened for the Collection and Hauling of Mixed Municipal Solid Waste and White Goods and Collection, Hauling and Disposal of Recyclables, and

WHEREAS, there were three companies who submitted bids. The lowest bid of \$1,180,202.40 was lower than anticipated, and

WHEREAS, the low bidder was Allied Waste Services of north America, LLC, DBA Allied Waste Services of Buffalo, 2321 Kenmore Ave., Buffalo NY 14217.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby award the contract for the Collection and Hauling of Mixed municipal Solid Waste and White Goods and Collection, Hauling and Disposal of Recyclables to the lowest responsible bidder, Allied Waste Services of North America, LLC, DBA Allied Waste Services of Buffalo, 2321 Kenmore Ave., Buffalo NY 14217, in the amount of \$1,180,202.40 as recommended by the Town Attorney

The resolution was unanimously adopted.

New Business #1 Establish Standard work Days for Elected & Appt. Officials for NYS Retirement

Motion was Tabled.

New Business #2 Authorize Supervisor to Sign Customer letter of Agency with iVergent

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

WHEREAS, the Network Coordinator researched available telecommunication carrier services provided through the office of the NYS OGS, and

WHEREAS, the Network Coordinator after extensive research makes the following recommendation,

NOW, THEREFORE, be it

RESOLVED, that the town Board does hereby authorize the Town Supervisor to sign the Customer Letter of Agency with iVergent (an AT&T business solution provider) to provide AT&T telecommunications carrier services on a month to month term at an approximate cost of \$5,000.00 per month.

The resolution was unanimously adopted.

New Business #3 Authorize the Amendment of the 2010 General fund Budget

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

WHEREAS, the town's current telecommunications contract is about to expire, and

WHEREAS, the Town has obtained quotes for such services that are significantly higher than the monthly rates currently being paid by the Town, and

WHEREAS, the Town obtained an alternative proposal to install a wireless communication system that the monthly rates are currently being paid by the Town, and

WHEREAS, the wireless communication system has a useful life that is significantly longer than the approximately five year payback period for the capital investment.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the amendment of the 2010 General Fund Budget to authorize additional appropriations (in account code A9901.902 Transfer to Capital Projects) of \$125,000.00, which will be funded from unreserved fund balance, and be it further

RESOLVED, that the Town Board authorizes the transfer of \$125,000.00 from the General Fund to the Capital Project Fund – Telephone/Voice System Project (Project H79).

The resolution was unanimously adopted.

New Business #4 Acceptance of Dog Licensing & Opposition of Microchip & Training.

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

WHEREAS, the New York State Department of Agriculture & Markets has proposed in the Governors Budget to remove the licensing of dogs from the State control and turning it over to all local municipalities in New York State, and

WHEREAS, under Senate Bill S.2211 and Assembly Bill A.10330 the legislatures have proposed a requirement that all dogs must be micro chipped and a registry of dogs be created which the Town of Orchard Park believes creates an undue burden on dog owners which may result in fewer licensed dogs and creates an undue burden on local municipalities to regulate and enforce compliance of these provisions, and

WHEREAS, the Senate has also introduced under Bill S.2219 a law requiring all dogs and their owners to successfully complete basic obedience training prior to being granted a dog license, which the Town of Orchard Park also believes creates an undue burden on dog owners which may result in fewer licensed dogs and creates an undue burden on local municipalities to regulate and enforce compliance of the provisions,

NOW, THEREFORE, be it

RESOLVED, that the Town of Orchard Park opposes Senate Bill S.2211 requiring all dogs in NYS to be micro chipped and a registry of dogs to be created and requiring all dogs and their owners to successfully complete basic obedience training prior to being granted a dog license, which will create an undue burden on dog owners, which may result in fewer licensed dogs and creates an undue burden on local municipalities to regulate and enforce compliance of these provisions, and be it further

RESOLVED, that the Town of Orchard Park opposes Assembly Bill A. 10330 requiring all dogs in NYS to be micro chipped and a registry of dogs to be created, which will create an undue burden on dog owners, which may result in fewer licensed dogs and creates an undue burden on local municipalities to regulate and enforce compliance of these provisions, and be it further

RESOLVED, that the Town of Orchard Park opposes in general the proposal to shift the cost burden of licensing dogs to local municipalities, and be it further

RESOLVED, the Town Clerk is hereby ordered to send a certified copy of this resolution to State Senator Dale Volker and Assemblyman Mark Schroeder and to Governor David Patterson, and be it further

RESOLVED, this resolution shall take effect immediately.

This resolution was duly put to a roll call vote, the results are as follows:

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

The resolution was unanimously adopted.

New Business #5 Authorize Bldg. Inspector to obtain Informal Bids for lawn mowing & clean up

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

WHEREAS, the lawn at property at 5285-5287 Chestnut Ridge Road has not been maintained after numerous unsuccessful attempts to contact the owner,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Building Inspector to obtain informal bids for lawn mowing and a small amount of rubbish clean up at 5285-5287 Chestnut Ridge Road for one time, with the cost applied to the tax rolls, as recommended by the Building Inspector.

The resolution was unanimously adopted.

New Business #6 Authorize request of Orchard Meadows to hold Annual 4th of July Parade

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

RESOLVED, that the Town Board does hereby authorize the request of the residents of Orchard Meadows to hold their Annual 4th of July Parade on Sunday, July 4th to begin at 9:45 AM on Bittersweet Lane and end at the Orchard Meadows Playground.

The resolution was unanimously adopted.

New Business #7 Authorize Lions Club use of Yates Pk/Green Lake for their annual Fishing Derby

13) 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 authorize the request of the Orchard Park lions Club the use of Yates Park/Green Lake for their Annual Fishing Derby, to be held on Saturday, June 26, 2010

The resolution was unanimously adopted.

New Business #8 Authorize Recreation Department 2010 Seasonal Staff Appointments

14) 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 staff appointments contingent upon applicant's certification:

<u>NAME</u>	<u>ADDRESS</u>	<u>RATE</u>	<u>POSITION</u>
Shauna Kelly	West Seneca	\$ 8.50	PT1-E(att.)
Travis Pufpaff	Colden	\$ 8.50	PT1-E(att.)
Jennifer Repp	Orchard Park	\$ 9.50	PT2-D(att.)
Heidi Schultz	Orchard Park	\$10.50	PT3-C(att.)
Judith Slade	Blasdell	\$15.00	PT6-D(att.)

The resolution was unanimously adopted.

New Business #9 Refer to Planning Board and Conservation Board

15) 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 following request to the Conservation Board and/or Planning Board:

- Southtowns Financial Group, Inc., represented by Daniel S. Blake, for a Chang-in Use, at 3438 Orchard Park Road, located on the west side of Orchard Park Road, Zoned B-4 (SBL#152.20-2-25). Applicant would like to convert a residential home for use as an office for financial planning.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Kathryn Gorkiewicz – She stated that she searched the Town website, which is very informative. Some of the minutes from some of the various Boards don't seem to be up to date.

David Schuster – He relayed information on the history of two towns in Ohio concerning WalMart and the financial consequences.

Louis Boehm – he stated “say no” to WalMart. He said that East Aurora Stopped WalMart and it is not too late for Orchard Park.

ELECTED OFFICIALS & DEPARTMENT HEADS

Highway Superintendent reported on the C.H.I.P.S. funding for road construction for California road between Rte. 20A and Duerr Road. He stated that the Highway Department is also continuing on the drainage work at Ellis Road

16) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN KACZORWHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN ACKERMAN, TO WIT:

RESOLVED, that the Town Board does hereby authorize the approval of all entries on Warrant #12 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$321,199.76
Part Town Fund	\$4,483.32
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$50,484.40
Special Districts	\$145,290.71
Trust & Agency	\$1,289.72
Capital Fund	\$3,403.12

The resolution was unanimously adopted.

17) 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 receive & file the following reports:

- Chief of Police's Monthly Report for may 2010
- Orchard park Senior Citizen Van Report for June 1,2009 – May 31,2010.

The resolution was unanimously adopted.

There being no further business, on motion by Supervisor Colarusso, seconded by Councilwoman Ackerman, the meeting was adjourned at 7:45 PM (local time).

Respectfully Submitted,



Carol R. Hutton
Town Clerk