

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 17<sup>th</sup> day of June 2009 at 7:00 PM, the meeting was called to order by the Supervisor and there were:

<b>PRESENT AT ROLL CALL:</b> Mary Travers Murphy	Supervisor
Nancy Ackerman	Councilwoman
David Kaczor	Councilman
Mark Dietrick	Councilman
Edward Graber	Councilman
Janis Colarusso	Town Clerk
Leonard Berkowitz	Town Attorney
Andrew Geist	Building Inspector
Andrew Benz	Chief of Police
Frederick Piasecki, Jr.	Highway Superintendent
Wayne Bieler	Town Engineer

**The Supervisor 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***

The 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 Travers Murphy, along with Recreation Commission Chairperson, Audrey Ramage, to help present the Community Appreciation awards. The awards went to:

- Jack Putnam for the Orchard Park Fire Company’s involvement with “Breakfast with Santa”.
- Scott Cimato for his work in constructing the art pieces that are decorated and displayed for “Art Rocks the Park”.
- Frank Downing Jr., Towne Car Sales, for their corporate support of the Recreation Department.
- Bob Fortenbaugh, a founding member of the Recreation Commission who recently resigned, for his outstanding contributions during his years with the Recreation Commission.

Mr. Leak stated that at the meeting of the Erie County Association of School Boards, the Town of Orchard Park and the School District earned an award for the collaborative agreement in which the Town is able to use the School facilities in exchange for the Town collecting plastic recyclables from the Schools. The award was accepted by Supervisor Travers Murphy.

#### ***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 the youth members of the Youth Board, Lauren Kaczor, Bethany Saul, Angel Nardolillo, Robert Terreri, were present to hand out the awards and read the bios for the following Youth Court members who are graduating this year:

Andrew Brydges  
Ashley Kuma  
Melissa Wanat  
Caroline Kane

Andrew Fitscher  
Nick Lewandowski  
Megan Harrington  
Lauren Kryszak

Eric Johnson  
Jordan Ott  
Jenny Johnson  
Emily Yox

Patrick Knauth  
Grace Pappalardo  
Kate Joyce

Sam McCune, Former Chief of Police & Youth Court Board Member, announced that a scholarship fund was being set up in memory of the Former Youth Bureau Director Thomas McGinty, who was instrumental in the establishment of our present Youth Court. Chief McCune announced that the first recipient of the *Thomas McGinty Scholarship Award* will be Ashley Kuma.

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

**RESOLVED**, that the Executive Session Meeting Minutes for 5/27/09 and 6/10/09, 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 as previously received copies thereof.

**The resolution was unanimously adopted.**

**New Business #1 – Recreation Department’s Seasonal Appointments**

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

**RESOLVED**, that the Town Board does hereby authorize the following 2009 Summer Staff Appointments to the Orchard Park Recreation Department, dependent upon the applicant providing the required certifications, as recommended by the Recreation Director, Ed Leak:

<u>Name</u>	<u>Address</u>	<u>Rate</u>	<u>Position</u>
Megan Robertson	Orchard Park	\$ 8.50	PT1-E (Att.)
Kathleen Goodman	Orchard Park	\$15.00	PT6-E (Att.)
Samantha Taylor	Wilson	\$ 9.00	PT2-B (LG)
Angela Tuchols	Snyder	\$15.00	PT6-D (LG)

**The resolution was unanimously adopted.**

**New Business # 2 Authorize Assistant Disaster Coordinators to attend Training Course**

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

**RESOLVED**, that the Town Board does hereby authorize the Town’s Assistant Disaster coordinators, Ernie Matthews, Rich Mrugalski and Andy Geist, to attend the *Hazardous Weather & Flooding Training* on June 23, 24 and 25, 2009 at the Erie County Training and Operations Center, 3359 Broadway, Cheektowaga, New York, at no cost to the Town.

**The resolution was unanimously adopted.**

**New Business # 3 Town Board to adopt “Workplace Violence Policy Statement”**

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

**RESOLVED**, that the Town Board does hereby approve the “Workplace Violence Policy Statement” which is required by New York State Law, and recommended by the Town Attorney. It reads as follows:

**Policy Statement**

“The Chief of Police of the Town of Orchard Park is responsible for ensuring that all safety and health policies and procedures involving workplace violence are clearly communicated and understood by all employees. Department Heads and supervisory personnel are expected to enforce the rules fairly and uniformly.

All employees are responsible for using safe work practices, for following all directives, policies and procedures, and for assisting in maintaining a safe and secure work environment.

Our system of ensuring that all our employees, including supervisors and managers, comply with work practices that are designed to make the workplace more secure and do not engage in verbal threats or physical actions which create a security hazard for others in the workplace include:

- Informing employees, supervisors and department heads of the provisions of our program for workplace security.
- Evaluating the performance of all our employees in complying with our establishment’s security measures.
- Recognizing employees who perform work practices which promote security in the workplace.
- Providing training and/or counseling to employees whose work performance in complying with work practices designed to ensure workplace security is deficient.
- Disciplining workers for failure to comply with workplace security practices.

**Communication**

We recognize that to maintain a safe, healthy, and secure workplace we must have open, two-way communication between all employees, including supervisors and department heads, on all workplace safety, health and security issues. The town encourages a continuous flow of safety, health and security information between management and our employees without fear of reprisal.”

**Town of Orchard Park Workplace Violence Policy**

Nothing is more important to the Town of Orchard Park than the safety and security of our employees. Threats, threatening behavior, or acts of violence against employees, visitors, guests or other individuals by anyone on Town property will not be tolerated.

Any person who makes threats, exhibits threatening behavior, or engages in violent acts on Town property shall be removed from the premises as quickly as safety permits and shall remain off Town premises pending the outcome of an investigation. The Town of Orchard Park’s response to incidents of violence may include suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and criminal prosecution of those involved.

All Town of Orchard Park personnel are responsible for notifying the contact person designated below of any threats they have witnessed, received, or have been told that another person has witnessed or received. Personnel should also report behavior they regard as threatening or violent if that behavior is job-related.

An employee who applies for or obtains a protective or restraining order that lists Town locations as protected areas must provide a copy of the petition and declaration used to seek the order and a copy of any temporary or permanent protective or restraining order that was granted.

The Town of Orchard Park recognizes and respects the privacy of the reporting employee(s).

Designated Contact Person: Andrew Benz, Police Chief

**The resolution was unanimously adopted.**

Councilwoman Ackerman stated this is not being put into place because of any incidents in the Town, but because it is mandated by New York State.

**New Business #4 Authorize Supervisor to Sign Contract for 2008-2010 STOP DWI Program**

5) 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 Supervisor to sign the contract between the Town of Orchard Park and the County of Erie for the 2008-2010 STOP-DWI Programs.

**The resolution was unanimously adopted.**

**New Business #5 Authorize Annual 4<sup>th</sup> of July parade for the residents of Orchard Meadow**

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

**RESOLVED**, that the Town Board does hereby approve the request of the Orchard Meadow Parade Committee to hold their annual 4<sup>th</sup> of July parade, to begin at 9:45 AM and end at 12:00 noon. They will begin at Bittersweet Lane at Peppermill Rd. and will march along Old Orchard Lane.

**The resolution was unanimously adopted.**

**New Business # 6 (Tabled)** Town Board to authorize the Supervisor to sign the Purchase Agreement between the Town of Orchard Park and ComDoc, Inc., for the purchase of copier equipment for various departments within Town Hall, as recommended by the Network Coordinator.

**Refer to Planning & Conservation Boards**

7) 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 refer the following request listed on the agenda to the Planning Board and the Conservation Board: Simoncelli Electric, 3720 California Road, Zoned I-1: Requesting a Building Permit and Site Plan approval to construct a 12,240 +/- sq. ft. addition to the existing building.

**The resolution was unanimously adopted.**



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

**RESOLVED**, that the Town Board does hereby appoint Cindy Jandle, 11538 Tammasue Drive, Marilla New York, to the position of Clerk to Town Justice Deborah Chimes, for a 6 month probationary period to begin Monday, June 22, 2009 at Job Level JC10, Step C @ \$16.52 per hour, as recommended by the Town Justices.

**The resolution was unanimously adopted.**

Councilman Dietrick stated that at the last work session, the Town Board entered into preliminary discussions regarding the consolidation of the Town Clerk's and Tax Receiver's offices. The proposal as he understood it was for a referendum to be on this November's ballot to eliminate the Tax Receiver's position as of 12/31/09. He believes by eliminating the position on 12/31/11, it would make more sense, as it would coincide with the end of the Town Clerk's term, and would allow the time necessary to integrate the two offices.

Town Clerk, Janis Colarusso, stated that she agreed with Councilman Dietrick's assessment regarding the consolidation of the Town Clerk's and Tax Receiver's offices. Both offices have multiple procedures and responsibilities and it makes sense to take the time to blend the offices in an organized manner. This way the residents will be better served.

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

**WHEREAS**, in order for the Town to establish and facilitate the Tom McGinty Scholarship fund, a separate account has to be set up within the Town, and

**WHEREAS**, the Tom McGinty Scholarship is going to be funded by private contributions, there will be no tax dollars that go into this fund

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does hereby authorize the establishment of a new account fund for the repository of the funds collected for the *Tom McGinty Memorial Scholarship*, as recommended by the Town Attorney.

**The resolution was unanimously adopted.**

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

**RESOLVED**, that the Town Board does hereby authorize Chief of Police, Andrew Benz, to attend the New York State Association of Chiefs of Police annual training conference in Saratoga Springs, July 12<sup>th</sup> to the 15<sup>th</sup>, with the cost not to exceed \$1,000.00, and there is money in the budget.

**The resolution was unanimously adopted.**

Superintendent of Highways, Fred Piasecki, stated the NYS DEC now inspects the Compost Site two times a year, and the first report of this year rated the site as excellent. He stated the County is holding their Household Hazardous Waste Drop off on Saturday, June 20<sup>th</sup> at Erie Community South campus.

14) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR TRAVERS MURPHY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN KACZOR, 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:

<b>General Fund</b>	\$266,056.62
<b>Part Town Fund</b>	\$2,554.86
<b>Risk Retention</b>	\$0.00
<b>Cemetery Fund</b>	\$0.00
<b>Highway Fund</b>	\$31,056.39
<b>Special Districts</b>	\$98,402.33
<b>Trust &amp; Agency</b>	\$962.12
<b>Capital Fund</b>	\$1,811.07

**The resolution was unanimously adopted.**

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

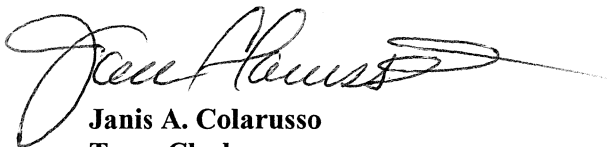
**RESOLVED**, that the Town Board does hereby authorize to receive and file the following Communication and Reports:

- Erie Canal Harbor Development Corporation: Sent a flyer with an outline of events and programming activities being held at Erie Canal harbor for the summer 2009 Season. Copies can be picked up at the Town Clerks office. You can also view the schedule at [www.eriecanalharbor.com](http://www.eriecanalharbor.com)
- Town of Alden: Passed a resolution opposing the creation and establishment of an Erie County Planning Board.
- Building Inspectors Monthly Report & Building Permits for May 2009

**The resolution was unanimously adopted.**

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

**Respectfully Submitted,**



**Janis A. Colarusso**  
Town Clerk

