

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 19th day of June, 2013 at 7:00 PM, the meeting was called to order by Supervisor Colarusso and there were:

PRESENT AT ROLL CALL:	Janis Colarusso	Supervisor
	David Kaczor	Councilmember
	Eugene Majchrzak	Councilmember
	Carol Hutton	Town Clerk
	Frederick Piasecki, Jr.	Highway Superintendent
	Wayne Bieler	Town Engineer
	Andrew Geist	Building Inspector
	Joseph Wehrfritz	Assistant Chief of Police
Absent:	John C. Bailey	Town Attorney
	Mark Pacholec	Chief of Police

Supervisor Colarusso read into the record the following: "If anyone appearing before the Town Board has a family, financial or business relationship with any member of the Board, it is incumbent upon that person to make it known under State Law and the Town Code of Ethics."

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

RESOLVED, that the Regular Town Board Meeting minutes held on June 5, 2013 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 Town Board to set a Public Hearing

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 to set a Public Hearing for West Herr Properties, 5948 Webster Road, located on the north side of Webster Road, west of Breem Street, for August 7, 2013, for the request to rezone this property from R-3 to B-2, as recommended by the Planning Board.

The resolution was unanimously adopted.

Old Business #2 Town Board Grants Permission to Use Existing Access Road

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

WHEREAS, Fox Run, One Fox Run Lane, located on the south side of Route 20A, east side of California Road, Zoned B-2, the Planning Board has requested that the Town Board grant permission to allow the use of the existing access road onto California Road, and

WHEREAS, based on the correspondence to the Town on May 17, 2013, TVGA reports that there will be no impact on California Road if the gate is removed and access allowed. The Traffic Study conducted in October 2000 indicated that there would be an impact, but since that time a signal was put in at the corner of Route 20A and California Road, TVGA indicates that an additional safety factor is now available due to the signal installation and that this results in an improvement of traffic flow at the intersection. It is strongly recommended that the gate be removed to afford a safer exit from the Fox Run development for vehicles desiring to travel west on 20A.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the use of the existing access road onto California Road, and be it further

RESOLVED, that it is understood that no additional signage or entry road markers will be constructed at the access.

The resolution was unanimously adopted.

New Business #1 Authorize Annual 4th of July Parade

4) 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 Annual 4th of July Parade on Thursday, July 4th, 2013. The parade will assemble at the Orchard Park High School parking lot a 7:00 pm and start at 8:00 pm. There is not a rain date scheduled for the parade, but if it does rain, the fireworks are scheduled for Friday, July 5th, 2013 at dusk.

The resolution was unanimously adopted.

New Business #2 Authorize Annual Quaker Arts Festival

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

WHEREAS, the Orchard Park Jaycees wish to sponsor the 52nd Quaker Arts Festival on September 21st and 22nd, 2013 with setup on September 20th, and they requested approval and support from the Town Board and a certificate of insurance will be sent to the Town Clerk's office.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the Orchard Park Jaycees holding the 52nd Quaker Arts Festival and be it further

RESOLVED, that the Town Board support the Jaycees by providing the following:

- One large dumpster to keep the trash under control
- Approximately 30 trash containers
- Supply the Festival with picnic tables to be used by attendees

- Supply and erect temporary orange fencing to section off the exhibitor areas on the Festival grounds
- Pickup & return of cones and barricades by the Highway Department

The resolution was unanimously adopted.

New Business #3 Seasonal Staff Appointments to Recreational Department

6) 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 Recreation Department Seasonal Summer Staff, pending submission of the required certifications, as recommended by the Recreation Director:

<u>Name</u>	<u>Address</u>	<u>Rate</u>	<u>Position (Title*)</u>
Alina Clough	344 Hillside Dr.	\$ 8.50	PT1-E (LG)
Angela Luther	2184 Thiel Rd.	\$10.50	PT3-C (Att)
Abigail Piccillo	5292 Oakridge Drive	\$ 8.50	PT1-E (LG)

The resolution was unanimously adopted.

New Business #4 Authorize NYS Chiefs of Police Training Conference

7) 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 Chief of Police Mark F. Pacholec to attend the New York State Association of Chiefs of Police Annual Training Conference in Lake Placid, NY. The conference will be held July 21st thru July 25th. The cost for this should not exceed \$1,000.00, and is in the budget.

The resolution was unanimously adopted.

New Business #5 Authorize Lion’s Club Use of Yates Park/Green Lake

8) 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 Lion’s Club use of Yates Park/Green Lake, for the Lion’s Club Annual Fishing Derby to be held on Saturday, June 29, 2013 from 8:00 am until 5:00 pm. Registration starts at 9:00 am. A Certificate of Insurance is on file at the Town Clerk’s office.

The resolution was unanimously adopted.

New Business #6 Appoint Summer Staff to the Engineering Department

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

WHEREAS, funds have been allocated in the 2013 budget for seasonal help in the Engineering Department. Joseph Stahl, who completed an Erie Boces II internship with the Engineering Department

this spring, has applied for a seasonal employee position. Joseph completed the Boces CADD II program. With the current work load of the Engineering Department, and the need for an employee to work on record plans, drawings and maps, the Town Engineer is recommending Joseph Stahl who has applied for a summer position. Joseph is a 2013 graduate from Orchard Park High School and is planning to attend Erie Community College, for Mechanical Engineering or Drafting.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint Joseph Stahl, 113 Hemlock Dr. West Seneca, New York 14224 to a seasonal position in the Engineering Department for a twenty-five week period beginning June 21, 2013 at a wage rate of \$7.50 per hour.

The resolution was unanimously adopted.

New Business #7 Supervisor to Sign Contract with Fontanese Folts Aubrecht Ernst Architects

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

WHEREAS, as discussed at the June 12, 2013 Capital Project Meeting, the Town of Orchard Park is looking to replace the seasonal rented tent and provide additional storage that are currently used for its various recreation programs, and

WHEREAS, the proposed permanent substitute for the seasonal tent structure is a 40 ft. x 48 ft. pavilion with 8-foot clearance minimum. Design will be similar to the existing bathhouse with similar materials, various ceiling lighting, post electrical outlet connections as well as electrical connections that extend from the ceiling for recreational program use. A hard concrete surface is proposed for the floor. The Recreation Department has also requested the pavilion have gutters and removable curtain walls on two sides, and

WHEREAS, the Storage shed addition is to be located on the north side (rear) of the existing barn shelter with a depth of 18-20 ft. and extending the full length of the building, and

WHEREAS, the proposed A/E services include the architectural design and review of the project with the Town; making the appropriate changes following the Town's input; structural design for the frame and foundation; electrical design for the electrical services and lighting; preparing specifications, plans and bid documents; providing construction consultation during bidding and providing construction administration services including on-site observation and verification, and

WHEREAS, AIA Document B104-2009 Standard Form of Agreement between Owner and Architect is proposed basis of the contract. There is presently \$381,857 plus interest in the Park Land Development (T37) Account that can be used for the project. Per the Capital Project Meeting, a separate H# is to be assigned.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with Fontanese Folts Aubrecht Ernst Architects, 6395 West Quaker Street, Orchard Park, New York 14127 to provide professional design services for the Recreation Pavilion & Storage Shed Addition Project in the amount not to exceed \$8,500.00.

The resolution was unanimously adopted.

New Business #8 Approve Public Improvement Permit for Pleasant Acres Part 2, Phase 1.

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

WHEREAS, we have received from Jack Patterson, 4430 Walden Avenue, Lancaster, New York, representing Anastasi Trucking & Paving, an application for a Public Improvement Permit to construct the Pleasant Acres West Subdivision Part 2 Phase 1, and

WHEREAS, the project consists of the installation of 1,250 L.F. of new roadways, 1,380 L.F. of sanitary mainline, 1,265 L.F. of watermain, and 8 street lights, to service twenty-one home sublots as shown on the location map. Installation of a stormwater treatment unit and excavating a retention basin was completed in the Pleasant Acres West Subdivision Part 1 Construction Project, and

WHEREAS, the Town Engineer has reviewed the plans and specifications for the proposed project and has found them to be in compliance with current Town Specifications and Standards. The Town is in receipt of all necessary fees, insurances, and the performance bond. Due to Stormwater Phase II regulations, the Town has required the formation of a stormwater public improvement district which was completed by the Town of Orchard Park Town Board for the entire Pleasant Acres West Subdivision.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the Public Improvement Permit #2013-01 for the Pleasant Acres West Subdivision Part 2 Phase 1, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #9 Approve Public Improvement Permit for Knoche Farms, Phase 1.

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

WHEREAS, we have received from Mark Tufillaro, 5255 Mallard Roost, Williamsville, New York, representing Knoche Farms LLC, an application for a Public Improvement Permit to construct the Knoche Farms Estates Phase 1, and

WHEREAS, the project consists of the installation of 2,900 L.F. of new roadways, 2,735 L.F. of sanitary mainline and a sanitary lifting station, 2,900 L.F. of watermain, and 9 street lights, to service thirty-two home sublots as shown on the location map. Installation of several stormwater treatment units and excavating a retention basin will be completed in this construction project phase, and

WHEREAS, the Town Engineer has reviewed the plans and specifications for the proposed project and has found them to be in compliance with current Town Specifications and Standards. The Town is in receipt of all necessary fees, insurances, and the performance bond. Due to Stormwater Phase II regulations, the Town has required the formation of a stormwater public improvement district which has been completed by the Town of Orchard Park Town Board.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the Public Improvement Permit #2013-02 for the Knoche Farms Estates - Phase 1, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #10 Approve Public Improvement Permit for Smokes Creek Farms.

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

WHEREAS, we have received from James Jerge, 7645 East Quaker, Orchard Park, New York, representing Smokes Creek Farms LLC, an application for a Public Improvement Permit to construct the Smokes Creek Farms Sanitary Sewer Extension, and

WHEREAS, the project consists of the installation of 170 L.F. of sanitary mainline to service two home sublots as shown on the location map, and

WHEREAS, the Town Engineer has reviewed the plans and specifications for the proposed project and has found them to be in compliance with current Town Specifications and Standards. The Town is in receipt of all necessary fees, insurances, and the performance bond.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the Public Improvement Permit #2013-03 for the Smokes Creek Farms Sanitary Sewer Extension, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business # 11A Creation of Civil Service Positions of Public Safety Dispatchers(not on agenda)

14) 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 create three additional Civil Service positions of Public Safety Dispatcher, FT, increasing the total to eight (8) fulltime positions for the Town of Orchard Park.

The resolution was unanimously adopted.

New Business # 11 Approve Appointments to Public Safety Dispatchers

15) 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 appointment of Marshall McGraw, to the position of Public Safety Dispatcher, full time, in the Orchard Park Police Department, salary range 0003, Step "1st Year", salary at \$13.15 per hour, effective June 24th, 2013, and be it further

RESOLVED, that the Town Board does hereby approve the appointment of Anthony Bienias, to the position of Public Safety Dispatcher, full time, in the Orchard Park Police Department, salary range 0003, Step “1st Year”, salary at \$13.15 per hour, effective June 24th, 2013, and be it further

RESOLVED, that the Town Board does hereby approve the appointment of Jonathon Torre, to the position of Public Safety Dispatcher, full time, in the Orchard Park Police Department, salary range 0003, Step “1st Year”, salary at \$13.15 per hour, effective June 24th, 2013, and be it further

RESOLVED, that the Town Board does hereby approve the appointment of Dawn Freeman, to the position of Public Safety Dispatcher, full time, in the Orchard Park Police Department, salary range 0003, Step “1st Year”, salary at \$13.15 per hour, effective June 24th, 2013.

All new Public Safety Dispatchers will have a six month probation period and the seniority of appointments are as listed.

The resolution was unanimously adopted.

New Business # 12 Seasonal Staff Appointments to Highway Department

16) 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 appoint summer seasonal staff to the Highway Department for Parks & Grounds:

- o Liam Norton Rate PT-1C \$8.00 Started 6/10/13
- o Greyson Moore Rate PT-1C \$8.00 Started 6/11/13
- o Kevin Delia Rate PT-1C \$8.00 Started 6/12/13
- o Charles Sanfilippo Rate PT-1C \$8.00 Started 6/12/13
- o Brenton Ziehm Rate PT-1C \$8.00 Started 6/12/13
- o Connor Eddy Rate PT -1C \$8.00 Started 6/13/13

The resolution was unanimously adopted.

New Business # 13 Work Session Cancelled

17) 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 cancel the Work Session for Wednesday, June 26, 2013, due to lack of a quorum.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Kathy Gorkiewicz – Ms. Gorkiewicz stated in regard to the Senior Center, she was happy that the Town would be getting an appraisal of the property on Baker Road and that Wendel Engineers is being hired to do an assessment of the cost of the Baker Road School. She stated that the standard against all these costs should be measured not against the proposed Brush Mt. project, but against the actual cost of the current center and the impact of any different center on the current Town budget.

Dave Schuster – Mr. Schuster commented on the proposed Senior Center and hoped that the maintenance was factored in with the cost estimate conducted by the hired engineering firm. He asked if a survey was conducted to see if the seniors want to leave the centrally located Village facility for an isolated location further out in the Town. He stated that the property on West Highland Avenue that People Inc. wanted to build on would be an ideal location for a Senior Center.

ELECTED OFFICIALS & DEPARTMENT HEADS

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute a non-precedent setting memorandum of agreement with the CSEA White Collar Unit on use of compensatory time, subject to review and approval by the Town’s labor counsel.

The resolution was unanimously adopted.

Supervisor Colarusso – She stated that she has supported the seniors and will continue to work towards a bigger facility for their activities.

Councilmember Kaczor – He stated that summer activities will be starting soon and people can check the website for the schedule.

Councilmember Majchrzak – He remarked on the summer programs that will be available. The Timberlake waterline situation will soon have a bid date for the project.

Assistant Chief Wehrfritz – He reported on the Police Open House on Friday, July 26th, 2013.

Highway Superintendent Piasecki – He gave an update on the paving schedule for the Town.

Town Engineer Bieler – He reviewed the progress on the Baker Road Reconstruction project.

19) 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 #12 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$269,728.22
Public Safety Fund	\$15,844.53
Part Town Fund	\$44.50
Risk Retention	0.00
Cemetery Fund	0.00
Highway Fund	\$66,480.43
Special Districts	\$40,396.43
Trust & Agency	\$1,065.42
Capital Fund	\$18.00

The resolution was unanimously adopted.

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

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

Communications:

- The OP Trails Task Force (TTF) hiked the Birdsong Park trails at their May 28th meeting & was very pleased to see the many repairs & improvements made. They want to recognize all the work that the Highway Department did to make Birdsong Park a safer and more enjoyable place.
- Common Council, City of Buffalo is sponsoring a program called WNY-Rx which is managed by Integrity Rx in which your constituents & their families will be able to save 47% on prescription drug medications. For information call 716-851-5151.

The resolution was unanimously adopted.

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

Reports

- Building Inspector's Monthly report for the month of May, 2013.

The resolution was unanimously adopted.

There being no further business, on a motion by Councilmember Kaczor, seconded by Supervisor Colarusso to wit: the meeting adjourned at 7:39 pm (local time).

Respectfully Submitted,



Carol R. Hutton
Town Clerk