

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 20th 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	
	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	
	Absent	Eugene Majchrzak	Councilmember

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 SUPERVISOR COLARUSSO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER KACZOR, TO WIT:

RESOLVED, that the Regular Town Board Meeting minutes held on June 6, 2012, & the Executive/Special Session Meeting Minutes of June 13, 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 SUPERVISOR COLARUSSO, TO WIT:

RESOLVED, that the Town Board does hereby authorize a Building Permit to expand the parking lot and approve the Site Plan received 5/2/12 from John Wabick, West Herr Nissan, 3580 Southwestern Boulevard, located on the north east corner of Southwestern Boulevard, Zoned I-1, as recommended by the Planning Board based on the following conditions and stipulations:

1. This is an Unlisted SEQR action based on the submitted Short EAF, a Negative Declaration is made.
2. The landscape plan, received 5/2/12, includes 10% total interior green space. In accordance with §144-44(c),(1)(a)(2), a Certified Check amounting to 50% of the \$22,550.00 Landscaping Estimate shall be deposited with the Town Clerk prior to receiving a Building Permit.
3. The site lighting is limited to those fixtures and poles indicated on the approved Site Plan.
4. No outside storage or display is permitted.
5. Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with §144-25 of the Town Code.
6. Town Engineering Approval was granted on 5/21/12 passed.

The resolution was unanimously adopted.

Old Business #2 Town Board to seek Lead Agency Status for Birdsong West-CMO designation

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

WHEREAS, Dominic Piestrak has petitioned to rezone Vacant Land, 95.7+/- acres located on the east side of Freeman Road, north of Jewett Holmwood Road, (Bray parcel), from R-1 to Conservation Management Overlay District designation (CMO), and

WHEREAS, on 6/13/12 the Planning Board recommended that the Town Board initiate a SEQR Coordinated Review with Part 3 to address the topics discussed by the Board and seek Lead Agency Status for this request

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby seek Lead Agency Status in the matter of Dominic Piestrak's petition to rezone a portion of "Birdsong West Subdivision", Vacant Land, 95.7+/- acres located on the east side of Freeman Road, north of Jewett Holmwood Road, from R-1 to Conservation Management Overlay District designation (CMO), based upon Type Action 1, with a Coordinated Review with Part 3 to address the topics discussed by the Board.

The resolution was unanimously adopted.

New Business #1 Schedule a Public Hearing for Proposed Local Law – Grass Ordinance

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 schedule a Public Hearing for Wednesday, July 18, 2012 at 7:00 pm for a Proposed Local Law for the year 2012, "Grass Ordinance", and to authorize the Town Clerk to publish due notice in the official newspaper of the Town.

The resolution was unanimously adopted.

New Business #2 Authorize Orchard Park Jaycees request for Annual Quaker Arts Festival

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

WHEREAS, the Orchard Park Jaycees wish to sponsor the 51st Quaker Arts Festival on September 15th and 16th, 2011 with setup on September 14th, 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 51st 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 snow 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 Authorize request of Orchard Meadows to hold Annual 4th of July Parade

6) 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 approve the request of the residents of Orchard Meadows to hold their Annual 4th of July Parade on Wednesday, July 4th Line up will begin at 9:45 AM on Peppermill and Bittersweet Lane and end at the Orchard Meadows Playground.

The resolution was unanimously adopted.

New Business #4 Approve request of Highbrook Ct. & Redbrick Rd. residents to hold Block Party

7) 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 approve the request of the residents on Highbrook Court and Redbrick Road to hold their annual Block Party, for Saturday, July 21, 2012, from 4:00 PM to 10:00 PM, and authorize the use of orange cones from the Highway Department for the safety of the children from any traffic that may occur.

The resolution was unanimously adopted.

New Business #5 Approve Block Party for Residents of Forest Creek Subdivision.

8) 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 approve the Block Party for the residents of the Forest Creek Subdivision, Saturday, August 18th, from 5:00 PM until 11:00 PM, and authorize the Highway Department to supply orange cones to block a section to through traffic.

The resolution was unanimously adopted.

New Business #6 Authorize a Street Party for Hummingbird Court.

9) 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 a Street Party for the residents of Hummingbird Ct., the evening of Saturday, July 21st, 2012 from 5:00 pm until 11:00 pm., and to authorize the use of orange cones from the Highway Department.

The resolution was unanimously adopted.

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

10) 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 approve 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 23, 2012. 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 #8 Authorize Recreation Department 2012 Seasonal Staff Appointments

11) 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 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>
Jordan Christie	2167 Buttermilk Ln	\$8.50	PT1- E (Att)
Alexander Drainville	12 Swallow Lane	\$8.50	PT1- E (Att)
Laura Ellis	8869 Babcock Rd	\$10.50	PT3- C (LG)
Karl Fenzl	5951 Bunting Road	\$8.50	PT1- E (LG)
Sam Levindofske	130 North Lake Drive	\$8.50	PT1- E (Att)
Nicholas Ramage	35 Carlton Drive	\$9.00	PT2- B (Att)
Rachael Reimondo	4568 Ardmore Ct	\$9.00	PT2- B (Att)
Molly Schaffstall	15 Ashwood Lane	\$9.00	PT2- B (LG)
Chris Schiumo	28 Ascot Circle	\$8.50	PT1- E (LG)
Mary Shepard	4591 Southwestern Blvd	\$8.50	PT1-E (LG)
Taylor Wierzba	4445 Clark St	\$8.50	PT1- E (Att)

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

The resolution was unanimously adopted.

New Business #9 This item was tabled**New Business #10 Approval of Lawn & Property Maintenance**

12) 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 Building Inspector Andrew Geist to obtain informal bids for lawn mowing every other week for the 2012 season for the following properties: 5012 Ellicott Rd, and 4088 N. Freeman Rd. with the costs applied to the tax rolls of each individual property.

The resolution was unanimously adopted.

New Business #11 Authorize Final Payment/Change Order & Release of Retention

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

WHEREAS, the HVAC Contract work for the Orchard Park Library Insulation & AC/Handling Units Project has been completed. A final inspection was conducted and all of the work has been satisfactorily completed in accordance with the contract documents and specifications and;

WHEREAS, the Engineering Department is requesting approval of a Final Change Order to the contract with Parise Mechanical Inc. for the Orchard Park Library Insulation & AC/Handling Units Project in the amount of (+) \$510.00. If approved, this would increase the total contract amount to \$93,710.00, representing an increase of 0.55% and;

WHEREAS, this Change Order is requested to add work originally not covered under their contract. The work involves installing a copper water loop in the reading room heating system. The design engineer was unclear of the system due to its concealment in the wall, it was decided it would be considerably cheaper to create a loop instead of adding another control valve and system programming and;

WHEREAS, the two-year maintenance bond in the amount of \$93,710.00 has been submitted along with all other warranties and necessary legal documents (Affidavit of Release of Liens, Affidavit of Subcontractor Payment) and;

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the final change order increase of \$510.00 and authorize final payment and release of retention to Parise Mechanical Inc., 1106 Sheridan Drive, Tonawanda, New York 14150 for the Orchard Park Library Insulation & AC/Handling Units Project – HVAC Contract, in the amount of \$5,170.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #12 Authorize Purchase of Water-Reel for OP Little League.

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

WHEREAS, the Buffalo Bills Organization donated a Kifco B200 Water-Reel (reel) to the Orchard Park Little League (OPLL). The reel was evaluated by OPLL, and the Engineering Department to review the specifications of the equipment and the performance of the reel being used with the existing infrastructure at the OPLL complex on Duerr Road and,

WHEREAS, the Town completed a waterline project in 2007 to supply the OPLL and Yates Park. Included in the project was the installation of one (1) 2” connection point (yard bird) to supply a reel with water. Several factors determine the size of the reel needed, including the wetted area and supply pressure. Consequently, hydrant flow tests were conducted at the OPLL and the Compost Facility on Milestrip Road to determine the current pressures at the facilities. The test was performed at the Compost Facility because of a similarly sized reel used on the soccer fields. The results obtained are shown below.

	Static Pressure (psi)	Residual Pressure (psi)	Flow (gpm)
OPLL	74	40	790
Compost Facility	98	47	860

WHEREAS, the residual pressures were recorded at the upstream hydrants with the downstream hydrants open full with a flow of 790 and 860 gallons per minute (gpm). The structures in Yates Park and the Compost Facility would never draw the flow recorded during routine operations therefore, 40 and 47 psi should be considered conservative for the residual pressures and,

WHEREAS, the manufacturer of the reel was contacted and the donated used reel is valued at \$4,000 while a new unit of similar size would cost \$11,000. Currently there is sufficient water pressure at the OPLL, although the reel is meant for larger areas and would create unnecessary water usage and loss. With the additional work of the large unit OPLL decided to trade in the donated reel for a more appropriately sized unit for which Kifco recommended a reel valued at \$3,800 (Model E110) and,

WHEREAS, the water reel could be funded from Recreation Land T0000.0037.0737 account and water main extensions from the H48 Town Wide Water Improvements account and future bond. To reduce the costs, the Sewer, Water and Lighting Department may be able to complete portions of the work.

NOW, THEREFORE, be it

RESOLVED, that the Town Board is hereby authorized to purchase the Kifco E110 water reel from Kifco Water-Reels 700 S. Schrader Ave., Havana, IL 62644 in an amount not to exceed \$3,800, and be it further

RESOLVED, that the Town Board does hereby authorize the installation of yard bird water connection with +/- 70ft service extension and two (2) new access gates on the fields at Duerr Rd. in an amount not to exceed \$4500, and be it further

RESOLVED, that the Town Board does hereby accept in trade from the Little League a Kifco B200 water reel, as recommended by the Town Engineer.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Gary Coviello – Mr. Coviello stated that a “Level 3 Sex Offender”, who molested a 13 year old girl, has moved into Orchard Park, across from a playground and close to where his daughter lives with her two daughters. He wants the Town to pass some type of legislation to prevent this from happening. As a corrections officer, he stated the only friends sex offenders have are other people like them. The Town needs to do something to protect our children.

Councilman Kaczor stated that the Town Board has instructed the Town Attorney to research this and he has found some ordinances that other Towns have in place. There is some question as to how the ordinances have been tested across the state. He stated that the Town Board is fully committed to establishing an ordinance to deal with this issue to the best of their legal ability. The ordinance will be researched and a Local Law will be put together. A public hearing will be held to hear everyone’s opinion on it. Councilman Kaczor encouraged Mr. Coviello, his family and friends to come and comment.

15) 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 schedule a Public Hearing for Wednesday, July 18, 2012 at 7:00 pm for a Proposed Local Law for the year 2012; to address the issue of “Sex Offenders” moving into Orchard Park, and to authorize the Town Clerk to publish due notice in the official newspaper of the Town.

The resolution was unanimously adopted.

Tom Gorman – Mr. Gorman lives next to the South Davis athletic field where the Fourth of July fireworks are held every year. Each year people crowd onto his property and cause damage, and he is worried about liability as well. Mr. Gorman would like the Town to come up with some permanent solution to fix this problem.

Mary Jude Eck-Sovinski – Ms. Eck-Sovinski came before the Town Board at the last meeting regarding the large number of water main breaks that have occurred along Timberlake Dr. (26 in the last 20 yrs.). She has a petition from her neighbors urging the Town Board to remedy this situation. There is a Capital Improvements meeting next week and she proposed that this situation is addressed quickly.

Robert Rucker – Mr. Rucker has lived on Timberlake since 1974 and supports the improvement of the waterline infrastructure on Timberlake Dr. Cleaning soot and debris out of his bathroom facilities and laundry appliances needs to come to an end. He wanted to know if there was a time line addressing this problem.

Howie Holmes – Mr. Holmes was happy to see some vacancies listed on the website. The recreation positions should also be listed.

Tom Pieczynski – Mr. Pieczynski came tonight to address the critical growing need for a larger senior center in Orchard Park. He presented the Baker Rd. school option and would like to know what the Town Board has done about that. He also wanted to know why so little attention is paid to the Senior population. Other communities do so much more for their Seniors. The current Senior center is not large enough and they have to turn people away. Mr. Pieczynski also wanted to know how the Seniors can help to remedy this problem.

Kathy Gorkiewicz – Ms. Gorkiewicz wanted to know what the percentage was of Orchard Park seniors who actually use the Senior Center.

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 make the following Budget Transfers:

\$150.00 From: PS.1110.0200 –Town Justice – Office Equipment
 To: PS.1110.0445- Town Justice – Equipment Maintenance

REASON: Increase in License/Maintenance Agreement for the SEI Court Room Program.

The resolution was unanimously adopted.

ELECTED OFFICIALS & DEPARTMENT HEADS

Supervisor Colarusso said she has contacted the School Superintendent regarding the Baker Rd. School and they have a meeting next week. Supervisor Colarusso stated that a presentation by the Director of the Senior Center stated that over 20,000 people signed in to use the Center last year. There are over 1,000 members of the seven senior groups in Orchard Park, and they are having a hard time to find places to meet, because of the increasing membership. The Senior Center is not only for sociability as it offers meals, fitness, education and support. If anyone is interested in finding out more about the Senior Center, they could always use volunteers, as they do not have a large staff. She knows that a larger Senior Center is needed, but she is not sure of when it will happen. Supervisor Colarusso also stated that the Town is holding the Annual 4th of July Parade and fireworks.

Councilmember Kaczor stated that the Town Board does try to be sensitive to the Seniors of Orchard Park. Many of the other communities with large Senior Centers were built in the 80's and 90's with grant monies that are not available now. He said that the Town Engineer has taken a look at the Baker Rd. School and said the cost of renovation would be prohibitive, that it would be cheaper to build a new center, and the school already has a long term lease with BOCES. The Town has a plan in place for a new Recreation Center at Brush Mountain, which when designed a few years ago, would cost 12 to 18 million to build. But, the Town has to prioritize where the tax dollars are spent. Infrastructure (road repair, sewer, water, drainage) problems take priority over social ones. There is no short term solution, but the Town Board will keep its focus on the Seniors. He also announced that "Quaker Days" will take place July 23rd to July 29th, with the famous Street Dance on July 28th with the Boys of Summer.

Supervisor Colarusso said that the Seniors are worth fighting for, the number of Seniors are growing, and they need a place that is adequate for their needs. She stated that the Superintendent of Schools is going to put together some numbers to review for Baker Rd, and before they reject anything, they should take a look. She also stated that you cannot get grants for a new structure, but you can get a center and then write for grants. If Baker Rd. School turns out to be too expensive, then they should not pursue it.

Police Chief Benz stated the Wyoming Erie Regional Medical Services Counsel picked several groups in Orchard Park to receive a Teamwork Award. Several months ago they were involved with a rescue of a woman who went off of Chestnut Ridge road into a ravine, and her car flipped over a couple of times. The Niagara Search Rescue group, the Hillcrest Fireman, the Rope Team, the Orchard Park Fire Company, District EMS, Mercy Flight and the Orchard Park Police all worked together very successfully. The woman was out of the hospital within two weeks from a serious accident. This shows how well they all can work together for a very positive outcome. He stated that a half marathon that was scheduled for June 30th has been postponed at this time. Chief Benz mentioned that the Police bike auction is going to take place on June 23rd.

Fred Piasecki, said the Highway Department is getting the roads prepared for paving by milling, and will begin the paving process about the middle of July. The roads scheduled to be done are – Scattertree Ln., Poplar Ave., Butternut Circle, Hawthorne Ct., Creekside Dr., and the north portion of Minden Dr. with Ridgewood Ct. He stated the Library parking lot will be finished by June 25th.

Wayne Bieler stated that the Timberlake waterline improvements are on the Capital Improvements agenda and have been on the Capital Improvements list. The Town Board did check with the Town Accountant and they will have to go to Bond for this project. In regards to the Senior Center, typically when you are retrofitting a building for another purpose, it is very expensive from a retro stand point. From a grant stand point, grants do not cover studies, retro plans or new plans.

17) 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 #'s 12 & 13 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$171,344.11
Public Safety Fund	\$48,082.24
Part Town Fund	\$23,816.80
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$149,092.28
Special Districts	\$15,236.59
Trust & Agency	\$969.58
Capital Fund	\$2,430.00

The resolution was unanimously adopted.

18) 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 Communications:

- Erie County Department of Health (ECDOH) has a Health Alert Network for Rabies Risk through Incidental Exposure to Bats. Erie County Department of Health requests your assistance with every potential exposure to bats regardless of whether there was a known bite. "Keep the Bat and call the Health Department" Hours are M-F 9 am -5 pm (716) 961-6800, After-Hours (MERS): (716) 961-7898.
- Chamber's 8th Annual Caribbean Night will be held on Wednesday, July 25th. "Taste of Orchard Park" features food from a variety of restaurants as well as entertainment. North Buffalo Street will be closed between the Four Corners & Runner's Roost. The event will run from 6:00 pm-10:00 pm.
- Federal Communications Commission (FCC) approved a comprehensive overhaul of its Lifeline program to be effective June 1, 2012. The FCC reform is designed to eliminate waste, fraud, and abuse of the program. Information about Lifeline and the new program reforms can be obtained at www.AskPSC.com. Additional information about Lifeline at the FCC's Consumer & Governmental Affairs Bureau website at www.fcc.gov/cgb or by calling the FCC's Consumer Center at 1-888-225-5322.

The resolution was unanimously adopted.

There being no further business, on motion by Supervisor Colarusso, seconded by Councilmember Kaczor, the meeting was adjourned at 8:05 PM (local time).

Respectfully Submitted,



Carol R. Hutton
Town Clerk