

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 7th day of July 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 16, 2010 and Executive Session/Special Meetings held on June 9, 2010 & June 23, 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

To Rezone land at 6860 South Abbott Road from A-1 to I-1

At 7:02 PM (local time) the Supervisor called for the Public Hearing to hear all interested parties for or against the petition of property owner, John B. Krouse, of Boston Valley Terra Cotta, to rezone land from A-1 to I-1 at 6860 South Abbott Road, (SBL# 197.00-1-12.1) located on the west side of South Abbott Road for the purpose of constructing new buildings. 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.

Supervisor Colarusso asked if anyone in the audience who would like to speak for or against the application for the rezoning at 6860 South Abbott Road from A-1 to I-1.

John Bailey, Chairman of the Economic Development Committee, spoke in favor of the proposal in an effort to expand what industrial land base the Town has.

George Preshoff lives across the road from the land to be rezoned and stated that he doesn't have any problems with the Boston Valley Terra Cotta buildings, but asked if there might be more intentions to

rezone for industrial, as it is residential area. He asked about the buildings moving closer to the road and what was going to happen to the house located on the property.

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

RESOLVED, that the Public Hearing in the matter of the petition of property owner, John B. Krouse, of Boston Valley Terra Cotta, to rezone land from A-1 to I-1 at 6860 South Abbott Road, (SBL# 197.00-1-12.1) located on the west side of South Abbott Road for the purpose of constructing new buildings, is hereby closed at 7:08 PM (local time).

The resolution was unanimously adopted.

PUBLIC HEARING

To Rezone land on the east side of Taylor Road, north of New Taylor Road from R-3 back to I-1

At 7:09 PM (local time) the Supervisor called for the Public Hearing to hear all interested parties for or against the rezoning of vacant land located on the east side of Taylor Road, north of New Taylor Road from R-3 back to I-1, as petitioned by the Town of Orchard Park. 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.

Supervisor Colarusso asked if anyone in the audience who would like to speak for or against the rezoning of vacant land located on the east side of Taylor Road, north of New Taylor Road from R-3 back to I-1.

Councilwoman Ackerman read a letter submitted to the Town Board from Planning Board member, John Bernard, in favor of the rezoning.

Attorney Sean Hopkins, who is representing the owner of the property, Joseph Waldman, Lebex Holdings, LLC., filed a protest petition pursuant to Town Law §265. Mr. Hopkins gave the Town Board a summary of the property and stated that the project was always moving forward and the reason for the delay was the Army Corps of Engineers and the New York State Department of Environmental Conservation asserted jurisdiction in regard to the wetlands. This proposal is for 44 upscale townhouses with 80% open green space. The reworked project is currently pending before the Zoning Board of Appeals. Mr. Hopkins stated that the Industrial use would be limited, whereas the Residential use would utilize the property. The Planning Board reviewed this matter at their meeting in June and voted 5 to 2, not to support the rezoning proposal. Councilman Kaczor stated that having been Chairman and on the Zoning Board of Appeals for ten years, he had a problem with variances and asked Mr. Hopkins how many they would propose for the new configuration of the project for the two parcels. Mr. Hopkins stated that they would need three categories which would be; setbacks between buildings, variances from the frontage of the buildings from the edge of the private roadway and variances from the setback from the 219 Expressway right-of-way.

3) 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 the rezoning of vacant land located on the east side of Taylor Road, north of New Taylor Road from R-3 to I-1 is hereby closed at 7:25 PM (local time).

The resolution was unanimously adopted.

Old Business #1 Establish Standard Work Days for Elected & Appt. Officials for NYS Retirement

4) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR COLARUSSO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN GRABER, TO WIT:

RESOLVED, that the Town Board does hereby establish the standard work days for elected and appointed officials and to report the days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Town Clerk.

The resolution was unanimously adopted.

New Business #1 Authorize Appointments of Highway Seasonal Employees

5) 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 appointment of William Bieler and Michael Graber to work as seasonal employees with a rate of PT1 \$7.50, retroactive to June 28, 2010, as requested by the Highway Superintendent Piasecki.

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

The resolution was duly adopted.

New Business #2 Authorize Appointment of Highway Seasonal Employee

6) 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 appointment of Nick Lewandowski to work as a seasonal employee with a rate of PT1 \$7.50, retroactive to June 22, 2010, as requested by Highway Superintendent Piasecki.

The resolution was unanimously adopted.

New Business #3 Authorize Supervisor to send letter to Governor to purchase through cooperatives

7) 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 Supervisor Colarusso to execute a letter to Governor Paterson relating that the Town of Orchard Park is in favor of local governments ability to purchase through national buying cooperatives to enable the Town to receive the best national prices and potentially have a substantial savings.

The resolution was unanimously adopted.

New Business #4 Authorize Permit for Public Display of Fireworks for St. John Vianney Church

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

RESOLVED, that the Town Board does hereby approve the request of St. John Vianney Church for a Permit for Public Display of Fireworks to be held on July 23, 24, & 25, 2010. A Certificate of Liability Insurance has been submitted.

The resolution was unanimously adopted.

New Business #5 Authorize the Village to display banner for "Ice Cream Social & Street Dance"

9) 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 approve the request of the Village of Orchard Park to display 2' tall x 5 ½' wide banner for their "Ice Cream Social and Street Dance" on the front lawn of the Municipal Center beginning Tuesday, July 6th, 2010, which will be held on July 30th and 31st, 2010.

The resolution was unanimously adopted.

New Business #6 Authorize Payment to the WNY Southtowns Scenic Byways to Install Signage

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

WHEREAS, the Town wishes to support economic development activities, and

WHEREAS, the Western New York Southtowns Scenic Byways has obtained a grant, which requires partial matching local funding requirements, and

WHEREAS, the grant funds will be used to construct and install interpretive signage detailing a macro and micro view of the Byway. Each sign will be individual for a specific location and will display the location of nearby assets that will interest the visitors and residents of the Southtowns, and

WHEREAS, this agency provides economic activity while assisting in maintaining the character of the Town,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the payment of \$3,500.00 to the Western New York Southtowns Scenic Byways to support their economic development activities. The payments are to be made from account T.096.0 Economic Development.

Councilman Kaczor stated that the communities of East Aurora, Holland and Springville will also contribute towards the grant.

The resolution was unanimously adopted.

New Business #7 Authorize Payment to Chestnut Ridge Conservancy to Support Activities

11) 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 payment of \$5,000.00 to the Chestnut Ridge Conservancy to assist in support of development activities related to the creation expansion of activities undertaken by the newly formed organization. The payments are to be made from account T.096.0 Economic Development.

Councilman Kaczor stated that this is a new group focused on maintaining and re-energizing Chestnut Ridge Park. It will be funded in the future by membership and private donations.

The resolution was unanimously adopted.

New Business #8 Adopt "Town of Orchard Park Energy Plan"

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

RESOLVED, that the Town Board does hereby authorize the request of the Town of Orchard Park Energy Conservation Board to adopt the "Town of Orchard Park Energy Plan".

Supervisor Colarusso read a statement regarding the Energy Plan, which is on file in the Town .

The resolution was unanimously adopted.

New Business #9 Authorize Appointment of Nicole R. Menarchem, as a Part-time Temp.

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 appointment of Nicole R. Menarchem to work as a part-time temp. in the Town Clerk's Office for 250 hours at \$10.00/hour and the money is in the budget. Nicole will be setting up an Office Retention Schedule, in the following offices: Clerk/Tax, Supervisor and Tax Assessor.

The resolution was unanimously adopted.

New Business #10 Authorize a Requested Rate Change for Recreation Department

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

RESOLVED, that the Town Board does hereby authorize the request of Recreation Director, Ed Leak, for a rate change for Marleah Noonan, 66 Meadow Road from \$9.00/hour to \$11.00/hour, starting Tuesday, July 6, 2010. This is to fill the position previously held by Joyce Neely who has resigned. Marleah is working her 4th summer with the Recreation Department and has extensive aquatic, day camp and sports experience. Marleah is a certified life guard with water safety instructor certification and emergency response training. The position held by Joyce Neely will not be filled, which will be a savings for the Town.

The resolution was unanimously adopted.

New Business #11 Public Safety Committee Recommendation

15) 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 Supervisor Colarusso send a letter to the New York State Department of Transportation to request a survey be conducted to consider the addition of a left arrow at the intersection of Milestrip Road and North Buffalo Road, as recommended by Public Safety Committee.

The resolution was unanimously adopted.

New Business #12 Public Safety Committee Recommendation

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

RESOLVED, that the Town Board does hereby request the Town Engineer determine what government agency is responsible for the traffic signal at the Lake Avenue and North Benzing Road intersection, for possible operation of the traffic signal, as recommended by the Public Safety Committee.

The resolution was unanimously adopted.

New Business #13 Public Safety Committee Recommendation

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

RESOLVED, that the Town Board does hereby request that the Town Engineer examine the road configuration for site distance and for blind areas to improve the conditions for motorists on Knob Hill Road.

The resolution was unanimously adopted.

New Business #14 Authorize Advertisement of Bid for Watermain Replacements

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

RESOLVED, that the Town Board does hereby authorize to advertise for bids for Jewett Holmwood Road and Ellis Road Watermain replacements, as requested by Town Engineer Bieler.

The resolution was unanimously adopted.

New Business #15 Authorize Supervisor to Execute 2010 Erie County/Town Yearly Van Contract

19) 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 Supervisor Colarusso to execute the 2010 Senior Van contract between the Town of Orchard Park and Erie County. This program provides service to individuals living independently.

The resolution was unanimously adopted.

New Business #16 Authorize the Supervisor to Execute 2010 Erie Co./Town Sr. Nutrition Contract

20) 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 Supervisor Colarusso to execute the 2010 Nutrition contract between the Town of Orchard Park and Erie County. This program provides service to individuals living independently.

The resolution was unanimously adopted.

New Business #17 Authorize Block Party for Forest Creek Subdivision residents

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

RESOLVED, that the Town Board does hereby approve the request of Denise Sorrentino, 75 Norwood Lane, to hold their Annual Block Party for the residents Forest Creek Subdivision, which includes Norwood Lane, Stoughton Lane and Chatham Court, on Saturday, August 7th, 2010 from 5:00 PM until 11:00 PM and does hereby authorize the Highway Superintendent to supply cones to block a section to thru traffic.

The resolution was unanimously adopted.

New Business #18 Authorize the Supervisor to sign Tentative Agreement with White Collar Unit

22) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR COLARUSSO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN GRABER, TO WIT:

RESOLVED, that the Town Board does hereby authorize Supervisor Colarusso to sign the Tentative Agreement by and between the Town of Orchard Park and the Civil Service Employees Association Inc., AFSCME, Local 1000, AFL-CIO/Town of Orchard Park White Collar Unit.

Supervisor Colarusso read a statement regarding the working relationship of all the members involved with finalizing the agreement and thanked them. This contract will benefit both the employees and the Town. Supervisor Colarusso gave credit to Sean Biter, the Town's bargaining attorney, who congratulated the Town Board and the CSEA Negotiating Committee. He thanked Supervisor Colarusso and Councilwoman Ackerman, who were part of his negotiating team in reaching this agreement. He congratulated Dave Holland, the White Collar Unit President and Rob Mueller, the CSEA business agent for their role in realizing that it was time to re-engineer the compensation system for Town employees. He believes that it is a fair agreement and it is in the public interest and the interest of the employees.

The resolution was unanimously adopted.

Refer to the Conservation Board and/or Planning Board

23) 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 items to the Conservation Board and/or Planning Board:

1. 4020 N. Buffalo Road, located on the west side of North Buffalo Road, Zoned B-1. (Former Christian Science Society Building) Rev. Richard M. Stedman, D/B/A "Robra Holdings", is requesting a Change-In-Use for this property from single use occupancy (church) to a mixed use occupancy; Church and Florist. (SBL#161.16-1-11)
2. 3604 North Buffalo Road, located on the west side of North Buffalo road, Zoned B-3. Mr. Joseph Wales of Pet Heaven Funeral Home, Inc. would like to relocate his business to this site and is requesting a Change-In-Use. He proposes to enlarge the attached garage, remodel the existing home, extend the driveway to the rear of the property and create parking spaces for customers at the front of the site. (SBL#161.08-2-27).

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Barbara Little – Ms. Little thanked the Public Safety Committee and the Town Board for requesting that New York State Department of Transportation conduct a survey for a turn arrow signal at the intersection of Milestrip Road and North Buffalo Road.

Lou Boehm – Mr. Boehm stated that the proposed WalMart needs a conclusion. He believes that a 24/7 WalMart would be the beginning of problems for everyone.

David Schuster – Mr. Schuster stated that Vidler’s Five and Dime Store celebrated its 80th Anniversary in East Aurora and credited it to keeping WalMart out of their Town. Mr. Schuster stated that he felt the Town Board’s priorities are eschewed, as they approved the purchase of less than one acre of land for \$300,000.00 for the Recreation Department, but refused to plow the sidewalks for residents and businesses on North Buffalo Road stating it would be to costly.

Deborah Yeomans – Ms. Yeomans submitted a list of questions for the Town Board regarding the proposed WalMart and asked that they put a stop to this project.

Kathryn Gorkiewicz – Ms. Gorkiewicz stated that if the Town wishes to spend \$300,000.00 on property that will come off the tax rolls, the need for this property and its purpose should be fully explained to the public and the purchase be put up for a vote.

ELECTED OFFICIALS & DEPARTMENT HEADS

24) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR COLARUSSO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN ACKERMAN, TO WIT:

RESOLVED, that the Town Board does hereby authorize the following 2010 Budget transfers for new software for the Town Clerk/Tax Office:

From:	\$ 750.00 – A.1330.0200 750.00 – A.1330.0413 500.00 – A.1330.0446 5,938.00 – A.1410.0139 1,066.00 – A.1410.0200	Tax Collection – Office Equipment Tax Collection – Travel & Conference Tax Collection – Equipment Repair Town Clerk – P/ T Clerical Town Clerk – Office Equipment
To:	\$9,004.00 – A.1670.0442	Central Computer – Software

The resolution was unanimously adopted.

Town Attorney Berkowitz responded to Ms. Yeomans question on how to rezone the property for WalMart, which would be through a public hearing.

Highway Superintendent Piasecki gave the paving schedule for Town roads and the continuing drainage and construction for Ellis Road.

25) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR COLARUSSO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN ACKERMAN, TO WIT:

RESOLVED, that the Town Board does hereby authorize the approval of all entries on Warrant #13 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$47,062.20
Part Town Fund	\$418.54
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$151,401.58
Special Districts	\$36,573.55
Trust & Agency	\$493.94
Capital Fund	\$24,910.13

The resolution was unanimously adopted.

COMMUNICATIONS

26) 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 communication:

- Erie County Department of Health (ECDOH) has a Health Alert Network for Rabies Risk through Incidental Exposure to bats.

The resolution was unanimously adopted.

REPORTS

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

- Building Inspector's Monthly Report & Building Permits for the Month of June 2010.

There being no further business, on motion by Supervisor Colarusso, seconded by Councilwoman Ackerman, the meeting was adjourned at 8:10 PM (local time).

Respectfully Submitted,



Carol R. Hutton
Town Clerk

