

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 17th day of July, 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
	John C. Bailey	Town Attorney
	Frederick Piasecki, Jr.	Highway Superintendent
	Wayne Bieler	Town Engineer
	Andrew Geist	Building Inspector
	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 July 03, 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 Authorize Site Plan & Building Permit

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 grant a Building Permit, and authorize Site Plan Approval for Carleton Technologies, Inc. D/B/A Cobham Mission Systems Division, located at 10 Cobham Drive, in the Quaker Centre Industrial Park, Zoned I-1, to construct a 6,600-sq.ft. building addition to their existing facility per the plan received on 6/4/13, as recommended by the Planning Board based on the following conditions and stipulations:

- This is an Unlisted SEQR Action, based on the Full EAF Parts 1 and 2, and a Negative Declaration is made.
- The site lighting is limited to those fixtures and poles indicated on the approved site plan. Light fixtures shall have flat lenses and all lighting is to be directed downward and toward the site.
- No outside storage or display is permitted.
- The Landscape Plan, received 5/13/13, meets all Green Space regulations. In accordance with Section 144-44(c)(1)(a)(2), a Certified Check amounting to 50% of the Landscaping Estimate Value shall be deposited with the Town Clerk prior to receiving a Building Permit.

- Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with Section 144-25 of the Town Code.
- Town Engineering approval was granted on July 8, 2013.

The resolution was unanimously adopted.

New Business #1 Adopt Changes to the Capital Plans

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

WHEREAS, the Town Board has reviewed its Capital Plan at the Board's June 12, 2013 work session, and

WHEREAS, the Town wishes to make certain changes to the Capital Plan to appropriately plan and fund the capital needs of the Town,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the following:

1. The transfer of \$191.53 from "General Capital Reserve" (project H27) to the "Land Acquisition Project" (project H09). The "Land Acquisition Project" (project H27) can then be closed.
2. The transfer of \$16,879.33 from "Milestrip Road Recreation Area Project" (project H39) to the "Green Lake Improvement Project" (project H91). The "Milestrip Road Recreation Area Project" (project H39) can then be closed.
3. The transfer of \$8,702.64 from "General Capital Reserve" (project H27) to the "Chestnut Ridge Village Trail Project" (project H80). The "Chestnut Ridge Village Trail Project" (project H80) can then be closed.
4. The transfer of \$144,372.24 from "Library Renovation Project" (project H81) to the "Municipal Buildings Capital Reserve" (project H14). The balance of \$100,000.00 is to remain in the Library Renovation Project.
5. The transfer of \$115,492.34 of Cash and Bond Anticipation Note from "Ellis Road & Drainage Project" (project H77) to "Road Reconstruction Projects" (project H58). The "Ellis Road & Drainage Project" (project H77) can then be closed.
6. The transfer of \$700,000.00 of Cash and Bond Anticipation Note from "Iroquois Road & Drainage Project" (project H82) to "Road Reconstruction Projects" (project H58). The balance of \$38,513.22 will remain in the "Iroquois Road & Drainage Project" (project H82) to complete remaining landscaping on such project.

The resolution was unanimously adopted.

New Business #2 Authorize the Purchase & Installation of Fencing at Yates Park

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

WHEREAS, there is sufficient funds in the T.0000.0037, and

WHEREAS, the Town Parks & Grounds Department is in need of fencing that was not budgeted in the 2013 adopted budget, and

WHEREAS, the Town does desire to purchase and install this fencing from the General Fund by transferring funds from the T & A fund to the General Fund,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the amending of the 2013 adopted budget to authorize additional appropriations and estimated revenues of \$8,653.00:

Increase Appropriations:

A.7110.0402 Parks & Grounds - Supplies \$8,653.00

Increase Estimated Revenues:

A.0000.5031 Interfund Transfer \$8,653.00

The resolution was unanimously adopted.

New Business #3 Authorize the Amending of the 2013 Adopted budget

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

WHEREAS, there is a deficit in the DARE Expenditure Account but there are sufficient funds in the DARE Revenue Account

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the amending of the 2013 adopted budget to authorize additional appropriations and estimated revenues of \$4,000.00

Increase Appropriations:

A.2989.0419 – DARE Program Supplies \$4,000.00

Increase Estimated Revenues:

PS.0000.2705 – DARE Revenue \$4,000.00

The resolution was unanimously adopted.

New Business #4 Authorize Assessor to Attend the NYSSA Fall Conference

6) 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 authorize Milton Bradshaw, the Town Assessor, to attend the NYSSA Fall Conference at Lake Placid, from October 1st to October 4th, the estimated cost is \$1,300 which includes classes, room, meals, tolls and mileage. The town was reimbursed \$893.95 from the State for last year's conference.

The resolution was unanimously adopted.

New Business #5 Authorize to Declare Property at 3428 Southwestern Blvd Dangerous & Unsafe

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 declare the property at 3428 Southwestern Blvd. SBL #152.19-1-15, "dangerous and unsafe" and begin the procedures outlined in our town ordinances for repair or removal (which includes notification) as outlined in our Town Code, as requested by Andrew Geist, Building Inspector.

The resolution was unanimously adopted.

New Business #6 Authorize 2013 Stable Permits

8) 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 the following 2013 Stable Permits as recommended by the Building Inspector.

- Schott Stables, 6305 S. Abbott Rd.
- Quaker Field Riding School, 4760 Freeman Rd.

The resolution was unanimously adopted.

New Business #7 Authorize Appointments to the Police Department

9) 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 appointment of the following individuals to the Orchard Park Police Department as recommended by the Chief of Police.

- Amy Pfeffer to the position of Police Officer (Permanent) in the Orchard Park Police Department, Step A, effective July 29th, 2013 at the salary of \$56,885.
- Gregory Sheppard to the position of Police Officer (Probationary) in the Orchard Park Police Department, effective July 30th, 2013 at the starting salary of \$42,500.
- Kristen Mazur to the position of Police Officer(Probationary) in the Orchard Park Police Department, effective July 30th, 2013 at the starting salary of \$42,500.
- Daniel Honer to the position of Police Officer (Probationary) in the Orchard Park Police Department, effective July 30th, 2013 at the starting salary of \$42,500.
- James Putnam to the position of Police Officer (Probationary) in the Orchard Park Police Department, effective July 30th, 2013 at the starting salary of \$42,500.
- Kevin McCarthy to the position of Police Officer (Probationary) in the Orchard Park Police Department, effective July 30th, 2013 at the starting salary of \$42,500.

The resolution was unanimously adopted.

New Business #8 Authorize Appointment for Temporary Construction Inspector

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

WHEREAS, with the Public Improvement Permit approved for Phase 1 of the Pleasant Acres West Subdivision, the project will need a full time construction inspector. At the present time, the Engineering Department does not have the staff available for providing a person to inspect the subdivision to ensure the work is completed to Town specifications and standards, and

WHEREAS, the Town Engineer recommends hiring Dan Hammond, a recent retiree of the Engineering Department, on a part time basis for approximately three (3) months not to exceed six (6) months. Dan was an integral part of this department as a construction inspector during his 25 plus years he served the Town. He has always accepted his responsibilities of his assignments with enthusiasm and has performed his work with diligence and effectiveness.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the appointment of Dan Hammond as a temporary construction inspector for the Pleasant Acres West Part II Phase 1 Subdivision at a wage rate of \$25.00/hour, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #9 Authorize Timberlake Drive Waterline Replacement

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

WHEREAS, New York's State Environmental quality Review Act (SEQRA) requires all state and local government agencies to consider environmental impacts equally with social and economic factors during discretionary decision-making. The Town must assess the environmental significance of all actions they have discretion to approve, fund or directly undertake, and

WHEREAS, the Town of Orchard Park has determined that the Timberlake Drive Water Line Replacement Project is classified as "Type II Action" in accordance with section 617.5(c) (5) of the SEQR regulations as replacement in kind. Actions that can be classified as a "Type II Action" under SEQR regulation do not require any further SEQR review, including an Environmental Assessment Form.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize that the Timberlake Drive Water Line Replacement Project to be classified as a "Type II Action" as the project will not have a significant impact on the environment and is precluded from further environmental review under New York State Environmental Conservation Law, Article 8, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #10 Authorize Funding for Approach Work & Bridge Replacement for Forest Dr.

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

WHEREAS, the NYSDOT has requested clarification from the Town of Orchard Park and commitment to make up an estimated \$800,000 shortfall of construction funds to complete construction of the above referenced project. The NYSDOT has noted that the Town's portion of this shortfall may be overcome by cash and/or Town construction force contributions, and the NYSDOT could make up the remainder of the shortfall via NYSDOT funding mechanisms, and

WHEREAS, the total construction funding short fall of approximately \$800,000 could be supplied by NYSDOT, but total additional construction funding would not be available until approximately 2015, and the bridge would likely have to be closed for a period of time due to the rapidly deteriorating condition of the bridge, and

WHEREAS, as requested by NYSDOT, the Town Engineer recommends the Town of Orchard Park make up the shortfall of construction funding by immediately requesting additional construction funding of \$600,000 from NYSDOT, and simultaneously commit to the in-kind services of the Town Highway Department forces to complete the subbase course (stone) and asphalt paving construction, estimated at \$200,000, representing the Town's portion of the construction funding shortfall. The Town Engineer believes this makes sense because the Highway Department typically does this type of work and can provide all labor, materials, and equipment required to place the roadway subbase stone and associated roadway asphalt.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the commitment of Town Highway Department forces to provide all labor, equipment and materials for the installation of all subbase and asphalt (estimated at \$200,000) and request the remaining construction funding shortfall (estimated at \$600,000) from NYSDOT for the Forest Drive Bridge Replacement Project., as recommended by the Town Engineer.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

No one spoke.

ELECTED OFFICIALS & DEPARTMENT HEADS

Supervisor Colarusso – She stated that next week's work session will be an executive session if Wendel, Inc., the architect firm hired to provide building assessment services for the Baker Road School Senior Center conversion, returns with recommendations.

Councilmember Kaczor – He reported on the upcoming events for Quaker Days.

Police Chief Pacholec – He asked residents to call the police if something is suspect, as it is easier to investigate when it is happening. He also stated that the Police are having an open house on Friday July 26th.

Highway Superintendent Piasecki – He reported on the paving schedule for Town roads.

13) 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 #14 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$269,805.84
Public Safety Fund	\$75,881.77
Part Town Fund	\$38,660.73
Risk Retention	0.00
Cemetery Fund	0.00
Highway Fund	\$46,388.29
Special Districts	\$44,873.55
Trust & Agency	\$783.00
Capital Fund	\$120,384.63

The resolution was unanimously adopted.

14) 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:

- Village Board to hold Public Hearing for Sisson & Associates LLC, 75 Bank St. for their request for a Special Exception Use Permit, to establish more than one (1) principle building on a lot of record, on July 22, 2013.
- Notice from Town of Hamburg stating they have received Lead Agency Designation for proposed revisions to the Town Code and revisions to the Zoning Map.
- Erie County to close portion of Newton Road from Route 277 to Burton Road beginning July 15, 2013 through July 19, 2013 to replace the cross culvert under the road.

The resolution was unanimously adopted.

15) 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:

Reports

- Chief of Police’s Monthly Report for June 2013

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Colarusso, seconded by Councilmember Kaczor, the meeting adjourned at 7:31 pm (local time).

Respectfully Submitted,

A handwritten signature in cursive script that reads "Carol R. Hutton".

Carol R. Hutton
Town Clerk