

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 4th day of August 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 GRABER, TO WIT:

RESOLVED, that the minutes of the Regular Town Board Meeting held on July 21, 2010 and Executive Session/Special Meeting held on July 21, 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

At 7:08 PM (local time) the Supervisor called for the Public Hearing to hear all interested parties for or against the proposed Local Law for the Year 2010 titled "*To Abolish the Office of Receiver of Taxes and Assessments in 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 there was anyone in the audience who would like to speak for or against the proposed Local Law for the Year 2010 – *To Abolish the Office of Receiver of Taxes and Assessments in the Town of Orchard Park*.

No one spoke.

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

RESOLVED, that the Public Hearing for the Local Law 2010, *To Abolish the Office of Receiver of Taxes and Assessments in the Town of Orchard Park*, is hereby closed at 7:12 PM (local time).

The resolution was unanimously adopted.

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

WHEREAS, a Public Hearing was held by the Town Board of the Town of Orchard Park, Wednesday, August 4, 2010, at 7:00 PM (local time) at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park, New York 14127, regarding a Proposed Local Law for the Year 2010. This local law provides for the following: *To abolish the office of Receiver of Taxes and Assessments in the Town of Orchard Park*.

Section 1. Purpose. The purpose of this chapter is to abolish the office of the Receiver of Taxes and Assessments in the Town of Orchard Park.

Section 2. Abolition; consolidation of powers and duties. The office of Receiver of Taxes and Assessments in the Town of Orchard Park, New York, is hereby abolished, effective December 31, 2010. The powers and duties of that office shall be consolidated with the office of the Town Clerk of the Town of Orchard Park, New York.

Section 3. Mandatory Referendum. This chapter shall be subject to mandatory referendum at the general election on November 2, 2010.

Section 4. When effective. This chapter shall take effect upon the affirmative vote of a majority of the qualified electors voting therein at such general election on November 2, 2010 and the filing with the office of Secretary of State in accordance with the applicable provisions of law, on December 31, 2010.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the adoption of Local Law # 2 for the Year 2010, *To abolish the office of Receiver of Taxes and Assessments in the Town of Orchard Park*, with final adoption to be determined by referendum at the General Election on November 2, 2010.

The question of the adoption was duly put to a roll call vote which resulted as follows:

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

The resolution was unanimously adopted.

Old Business #1 Town Board to schedule Public Hearing to rezone vacant land Taylor Rd property

Item Tabled.

New Business #1 Town Board to Schedule Public Hearing for Sept. 1, 2010 for OPDD #2-3

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

WHEREAS, the Town Board of the Town of Orchard Park (herein called "Town Board" and "Town" respectively), in the County of Erie, New York, has received a petition pursuant to Section 191 of Town Law, for the establishment and creation of Town Drainage District OPDD 2-3, which petition was signed by the sole owners of taxable real property situate on the proposed new water district owning all of the taxable real property of the proposed new drainage district, as shown upon the latest completed assessment roll of said Town and was accompanied by a map plan and report prepared by Greenman-Pedersen, Inc., competent engineers duly licensed by the State of New York, and was the drainage district to be constructed and paid for by or on behalf of petitioners, to provide stormwater drainage to prospective new homeowners within the proposed district consisting of the construction and installation of drainage facilities in accordance with the specifications of the New York State Department of Environmental Conservation and the Town of Orchard Park Engineering Department all in the proposed new Town Drainage District OPDD 2-3, which map and plan have been duly filed in the Office of the Town Clerk of the Town for public inspection; and

WHEREAS, said petition described the boundaries (Exhibit A-1) of the proposed new Town Drainage District OPDD 2-3 in a manner sufficient to identify the lands included therein as in a deed of conveyance and was signed by the petitioners and acknowledged or proved in the same manner as a deed to be recorded; and

WHEREAS, the proposed new Town Drainage District OPDD 2-3 is bounded and described in the map, plan and report (Exhibit B, B-1, B-2) attached hereto and made a part hereof; and

WHEREAS, the Town Board has given due consideration to the impact that the establishment of the new Town Drainage District OPDD 2-3 may have on the environment and, on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused by the establishment of such new Town Drainage District OPDD 2-3 and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, a duly executed Short Environmental Assessment Form has been filed in the office of the Town Clerk; and

WHEREAS, the Town Board has determined to proceed with the establishment of the proposed new Town Drainage District OPDD 2-3; and

WHEREAS, said new Town Drainage District OPDD 2-3 hereinabove described is to be constructed and paid for by or on behalf of the petitioners, D.P.S. Southwestern Corp. and the expense of the establishment and maintenance of the Drainage District shall be paid by the assessment, levy and collection of property taxes upon the several lots and parcels of land within the proposed Town Drainage District OPDD 2-3 in the same manner and at the same time as other Town charges;

NOW, THEREFORE, be it **ORDERED**, that meeting of the Town Board of the Town be held at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park, New York on the 18th day of August, 2010 at 7:00 p.m. (prevailing time); to consider the establishment and creation of the new Town Drainage OPDD 2-3; as herein referred to, and to hear all persons interested in the subject thereof,

concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and be it

FURTHER ORDERED, that the Town Clerk publish as least once in the Orchard Park Press, a newspaper published in the Town of Orchard Park, New York, which newspaper is hereby designated as the official newspaper of the Town for this publication, and post on the sign board of the Town maintained pursuant to Subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by the Town Clerk, the first publication and said posting to be not less than ten (10) nor more than twenty (20) days before the day designated herein for said public hearing as aforesaid.

Exhibit A-1
Legal Description

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Orchard Park, County of Erie, State of New York being part of Lots 70 and 71, Township 9, Range 7 of the Holland Land Survey (so-called) bounded and described as follows:

BEGINNING at the point of intersection of the northerly line of Fox Chapel Estates Subdivision as shown on a map filed in the Erie County Clerk's Office under Map Cover 2285 with the southeasterly corner of Birdsong Subdivision, Part 3A as shown on a map filed in the Erie County Clerk's Office under Map Cover 3207;

THENCE: Along easterly lines of said Birdsong Subdivision, Part 3A the following thirteen (13) courses and distances:

- 1.) N-00°-33'-09"-E, a distance of 260.00 feet to a point;
- 2.) N-89°-26'-51"-W, a distance of 44.00 feet to a point;
- 3.) N-00°-33'-09"-E, a distance of 200.00 feet to a point;
- 4.) S-89°-26'-51"-E, a distance of 125.00 feet to a point;
- 5.) N-03°-59'-59"-E, a distance of 576.82 feet to a point;
- 6.) N-22°-17'-01"-W, a distance of 50.97 feet to a point;
- 7.) S-75°-14'-11"-W, a distance of 428.44 feet to a point;
- 8.) N-14°-45'-49"-W, a distance of 300.00 feet to a point;
- 9.) S-75°-14'-11"-W, a distance of 12.50 feet to a point of curvature;
- 10.) Westerly on a curve to the right having a radius of 3,250.00 feet, an arc distance of 80.00 feet (chord being S-75°-56'-30"-W, 80.00 feet), to a point;
- 11.) N-31°-07'-04"-E, a distance of 28.11 feet to a point;
- 12.) N-14°-14'-05"-W, a distance of 154.29 feet to a point of curvature;
- 13.) Northerly on a curve to the left having a radius of 220.00 feet, an arc distance of 11.79 feet (chord being N-15°-46'-10"-W, 11.78 feet) to a point;

THENCE: Through lands conveyed to D.P.S. Southwestern Corp. by deed recorded in Liber 10853 of Deeds at page 277 the following sixty-eight (68) courses and distances:

- 1.) N-72°-54'-45"-E, a distance of 367.89 feet to a point;
- 2.) N-14°-45'-49"-W, a distance of 231.99 feet to a point;
- 3.) N-51°-31'-01"-E, a distance of 113.64 feet to a point;
- 4.) S-40°-08'-15"-E, a distance of 457.21 feet to a point;
- 5.) Northeasterly on a curve to the left having a radius of 700.00 feet, an arc distance of 10.72 feet (chord being N-49°-25'-26"-E, 10.72 feet) to a point of reverse curvature;
- 6.) Northeasterly on a curve to the right having a radius of 700.00 feet, an arc distance of 415.01 feet (chord being N-65°-58'-11"-E, 408.96 feet) to a point;
- 7.) S-07°-02'-45"-E, a distance of 30.00 feet to a point;

- 8.) Southwesterly on a curve to the left having a radius of 670.00 feet, an arc distance of 354.27 feet (chord being S-67°-48'-23"-W, 350.16 feet) to a point;
- 9.) S-37°-20'-29"-E, a distance of 70.00 feet to a point;
- 10.) Southwesterly on a curve to the left having a radius of 600.00 feet, an arc distance of 34.99 feet (chord being S-50°-59'-17"-W, 34.98 feet) to a point;
- 11.) S-05°-54'-37"-W, a distance of 28.97 feet to a point;
- 12.) S-37°-40'-57"-E, a distance of 44.25 feet to a point;
- 13.) Southeasterly on a curve to the right having a radius of 530.00 feet, an arc distance of 129.67 feet (chord being S-30°-40'-24"-E, 129.35 feet) to a point;
- 14.) N-66°-20'-08"-E, a distance of 149.76 feet to a point;
- 15.) S-87°-04'-07"-E, a distance of 138.10 feet to a point;
- 16.) S-09°-54'-41"-W, a distance of 258.86 feet to a point;
- 17.) Southeasterly on a curve to the right having a radius of 450.00 feet, an arc distance of 129.72 feet (chord being S-71°-49'-48"-E, 129.28 feet) to a point;
- 18.) N-64°-14'-54"-E, a distance of 24.66 feet to a point of curvature;
- 19.) Northeasterly on a curve to the left having a radius of 440.00 feet, an arc distance of 173.77 feet (chord being N-52°-56'-05"-E, 172.64 feet) to a point of tangency;
- 20.) N-41°-37'-15"-E, a distance of 254.52 feet to a point;
- 21.) N-37°-28'-46"-E, a distance of 86.40 feet to a point;
- 22.) N-80°-44'-46"-E, a distance of 125.00 feet to a point;
- 23.) S-09°-15'-14"-E, a distance of 15.00 feet to a point;
- 24.) N-80°-44'-46"-E, a distance of 365.00 feet to a point;
- 25.) N-09°-15'-14"-W, a distance of 170.00 feet to a point;
- 26.) S-80°-44'-46"-W, a distance of 0.73 feet to a point;
- 27.) N-30°-33'-35"-W, a distance of 105.32 feet to a point;
- 28.) N-09°-15'-14"-W, a distance of 703.32 feet to a point of curvature;
- 29.) Northeasterly on a curve to the right having a radius of 160.00 feet, an arc distance of 105.74 feet (chord being N-09°-40'-43"-E, 103.82 feet) to a point of tangency;
- 30.) N-28°-36'-39"-E, a distance of 229.80 feet to a point of curvature;
- 31.) Northerly on a curve to the left having a radius of 90.00 feet, an arc distance of 68.31 feet (chord being N-06°-52'-03"-E, 66.68 feet) to a point of tangency;
- 32.) N-14°-52'-33"-W, a distance of 34.32 feet to a point;
- 33.) S-85°-51'-36"-E, a distance of 21.15 feet to a point;
- 34.) S-14°-52'-33"-E, a distance of 27.42 feet to a point;
- 35.) Southerly on a curve to the right having a radius of 110.00 feet, an arc distance of 83.49 feet (chord being S-06°-52'-03"-E, 81.50 feet) to a point of tangency;
- 36.) S-28°-36'-39"-E, a distance of 229.80 feet to a point of curvature;
- 37.) Southerly on a curve to the left having a radius of 140.00 feet, an arc distance of 92.52 feet (chord being S-09°-40'-43"-W, 90.58 feet) to a point of tangency;
- 38.) S-09°-15'-14"-E, a distance of 699.56 feet to a point;
- 39.) S-30°-33'-35"-E, a distance of 109.35 feet to a point;
- 40.) S-80°-44'-46"-W, a distance of 0.73 feet to a point;
- 41.) S-09°-15'-14"-E, a distance of 170.00 feet to a point;
- 42.) N-80°-44'-46"-E, a distance of 115.00 feet to a point;
- 43.) N-82°-07'-31"-E, a distance of 121.80 feet to a point;
- 44.) S-88°-31'-58"-E, a distance of 122.27 feet to a point;
- 45.) S-89°-55'-53"-E, a distance of 55.54 feet to a point;
- 46.) Southerly on a curve to the left having a radius of 2,200.00 feet, an arc distance of 406.40 feet (chord being S-05°-13'-24"-E, 405.83 feet) to a point;
- 47.) S-79°-29'-04"-W, a distance of 30.00 feet to a point;
- 48.) S-62°-26'-35"-W, a distance of 154.71 feet to a point;

- 49.) N-75°-34'-29"-W, a distance of 169.30 feet to a point;
 - 50.) N-66°-27'-18"-W, a distance of 228.12 feet to a point;
 - 51.) Northwesterly on a curve to the right having a radius of 2,023.00 feet, an arc distance of 491.65 feet (chord being N-69°-06'-26"-W, 490.44 feet) to a point;
 - 52.) S-41°-37'-15"-W, a distance of 256.94 feet to a point of curvature;
 - 53.) Southwesterly on a curve to the right having a radius of 450.00 feet, an arc distance of 177.71 feet (chord being S-52°-56'-05"-W, 176.56 feet) to a point of tangency;
 - 54.) S-64°-14'-54"-W, a distance of 51.89 feet to a point;
 - 55.) S-25°-14'-05"-W, a distance of 52.45 feet to a point;
 - 56.) Northwesterly on a curve to the left having a radius of 370.00 feet, an arc distance of 66.08 feet (chord being N-69°-52'-53"-W, 65.99 feet) to a point;
 - 57.) S-13°-50'-28"-W, a distance of 212.87 feet to a point;
 - 58.) S-88°-01'-51"-E, a distance of 48.13 feet to a point;
 - 59.) S-55°-05'-35"-E, a distance of 178.20 feet to a point;
 - 60.) S-72°-54'-29"-E, a distance of 893.53 feet to a point;
 - 61.) S-49°-12'-05"-E, a distance of 228.31 feet to a point;
 - 62.) S-01°-53'-28"-E, a distance of 295.75 feet to a point;
 - 63.) S-49°-23'-59"-W, a distance of 36.57 feet to a point;
 - 64.) S-20°-30'-26"-E, a distance of 246.54 feet to a point;
 - 65.) Northeasterly on a curve to the left having a radius of 320.00 feet, an arc distance of 43.96 feet (chord being N-64°-12'-52"-E, 43.92 feet) to a point;
 - 66.) S-29°-43'-14"-E, a distance of 60.00 feet to a point;

 - 67.) Southwesterly on a curve to the right having a radius of 380.00 feet, an arc distance of 105.00 feet (chord being S-68°-11'-43"-W, 104.67 feet) to a point;
 - 68.) S-12°-45'-29"-E, a distance of 210.25 feet to the northerly line of Chapel Hill Subdivision as shown on a map filed in the Erie County Clerk's Office under Map Cover 2491;
- THENCE: S-87°-11'-36"-W, along the northerly line of said Chapel Hill Subdivision, a distance of 1,028.60 feet to the easterly line of lands conveyed to Michael J. and Robyn E. Loehfelm by deed recorded in Liber 11171 of Deeds at page 3023;
- THENCE: N-00°-50'-31"-W, along the easterly line of said Loehfelm lands, a distance of 125.98 feet to the northeasterly corner thereof;
- THENCE: S-87°-09'-29"-W, along the northerly line of said Loehfelm lands, a distance of 125.00 feet to the easterly line of Fox Chapel Estates Subdivision as shown on a map filed in the Erie County Clerk's Office under Map Cover 2491;
- THENCE: N-02°-50'-31"-W, along the easterly line of said Fox Chapel Estates, a distance of 159.44 feet to a point;
- THENCE: N-28°57'-29"-W, along a northeasterly line of said Fox Chapel Estates, a distance of 159.15 feet to the southeasterly line of lands conveyed to Timothy E. and Theresa M. Sherer by deed recorded in Liber 11140 of Deeds at Page 2163;
- THENCE: N-54°-58'-00"-E, along said southeasterly line a distance of 52.00 feet to a northeasterly line of said Sherer lands;
- THENCE: Along northeasterly lines of said Sherer lands the following three (3) courses and distances:
- 1.) N-34°-14'-34"-W, a distance of 82.79 feet to a point;
 - 2.) N-61°-25'-51"-W, a distance of 30.00 feet to a point;
 - 3.) N-69°-55'-08"-W, a distance of 136.47 feet to a point on a northerly line of said Fox Chapel Estates;
- THENCE: Along northerly lines of said Fox Chapel Estates the following three (3) courses and distances:
- 1.) N-61°-29'-31"-W, a distance of 60.00 feet to a point;
 - 2.) N-76°-43'-18"-W, a distance of 205.65 feet to a point;

- 3.) N-89°-26'-51"-W, a distance of 200.27 feet to the POINT OR PLACE OF BEGINNING containing 61.95 acres be the same more or less.

The resolution was unanimously adopted.

New Business #2 Authorize Recreation Department Summer 2010 Staff Appointments

- 5) 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 following staff appointments contingent upon applicant's certification:

NAME	ADDRESS	RATE	POSITION
Brian Dansa	Orchard Park	\$8.50	PT1-E (LG)
Ann Marie Wells	Springville	\$9.50	PT2-D (A tt)
Rachael Reimondo	Blasdell	\$8.50	PT1-E (Att)

The resolution was unanimously adopted.

New Business #3 Authorize Change Order #2 to Contract for Municipal Bldg Renovations

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

WHEREAS, the Engineering Department is requesting Town Board approval of a Change Order to the contract with RB Mac Construction Co., Inc. for the Orchard Park Municipal Center Renovations Project in the amount of \$8,070.00. If approved, this would increase the total contract amount to \$151,649.00 representing an increase of 5.6%, and

WHEREAS, this Change Order requesting to perform changes in the work scope and additional work not covered under their contract. The additional work involves additional sidewalk replacement sections and changes to the electrical service to the light bollards along the rear sidewalk, and

WHEREAS, the bollard lights have been a costly problem for many years. The junction boxes for each light was located in the sidewalk causing cracking in the sidewalk, and other corrosion problems caused by salt use and resulted in shorting out of electrical wires during rain and melting snow. The conduits were located in the concrete, therefore removed with the damaged sidewalk sections. The conduit and junction boxes have been moved into the lawn area eliminating that problem along with the frequent costly maintenance. The additional charges for hand trenching, conduit installation, electrical work, concrete backfill, topsoil and seeding totaled \$6,070.00, and

WHEREAS, additional sidewalk sections were replaced due to additional cracks and to make for a uniform sidewalk along the rear of the Municipal Center. The additional sidewalk cost was \$2,000.00, and

WHEREAS, the Town has appropriated funding for the Orchard Park Municipal Center Renovations Project under Capital Project H-14 Municipal Building Reserve and through bond anticipated notes and additional funding should be included with the bond anticipation notes for the future Municipal Center roof work.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the request for a Change Order to the contract with RB Mac Construction Co., Inc. for the Orchard Park Municipal Renovations Project in the amount of \$8,070.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business #4 Authorize Advertisement of Bid - Concrete Gutter & Driveway Apron for Ellis Rd.

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

WHEREAS, the Orchard Park Engineering Department is in the final stages of preparing Concrete Gutter and Driveway Apron design plans, specifications and construction contract documents for Ellis Road Reconstruction Project. The new road section, currently underway, will have a closed drainage system and standard concrete gutters along each side of the pavement, and

WHEREAS, the Highway Department does not have the capability of installing the amount of concrete gutters required for this project in the necessary time frame and because the cost is estimated at \$76,000.00, the concrete gutter work must be completed through the formal bidding process, and

WHEREAS, in order to keep the project on schedule, the Advertisement for Bids should be authorized to be published on August 6, 2010. Plans will be available for purchase on August 12, 2010 and a bid opening on August 31, 2010. It is expected that the construction work will start mid-October with completion near the end of October.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize advertisements in the Orchard Park Press and The Buffalo News for sealed bids to be opened for Concrete Gutter and Driveway Apron for Ellis Road Reconstruction Project at 2:00 PM on August 31, 2010 in the Supervisor's Conference Room at the Orchard Park Municipal Center, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #5 Authorize Change-in-Use at 4020 North Buffalo Road (not on agenda)

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

RESOLVED, that the Town Board does approve the request for Change-in-Use at 4020 North Buffalo Road, as petitioned by Reverend Richard Stedman, D/B/A Robra Holdings, to convert the former site of the Christian Science Society Building from a Single-Use occupancy (Church) to a Mixed-Use occupancy: Church and Florist, with the following conditions and stipulations:

- 1) This is an Unlisted SEQR action based on the submitted Short EAF, Parts One and Two and a Negative Declaration is declared.
- 2) If changes to the exterior are done in the future, the petitioner must seek approval from the Architectural Overlay District Committee.

The resolution was unanimously adopted.

Refer to Planning Board and/or Conservation Board

9) 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 to the Planning Board and/or Conservation Board: Buffalo Gastroenterology Associates, LLP, Sterling Business Park, vacant land located on the west side of Redtail Road and south side of Windward Road, Zoned I-1. Applicant is proposing a two-phase project. Phase I proposes the construction of a 16,296 sq. ft. medical office building; the second phase will include an 8,830 sq. ft. addition.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

David Schuster – had statements and questions regarding Brush Mt. and recreation.

Kathryn Gorkiewicz – wondered if the recreation needed to expand.

Jane Shumaker – questioned the need for more recreation and senior citizens programs.

Ron Stadelmaier – he commented on the recreation spending spree and the Town stipend given to the Supervisor for use of her own vehicle.

John Marlow – he agreed with the previous comments regarding recreation. He stated that if the WalMart project isn't approved, that perhaps the Town could use the money for a 100% assessment for the Town.

June Kreutzer – she was happy to see the Town Clerk's office and Tax Receiver's office merger completed sooner.

ELECTED OFFICIALS & DEPARTMENT HEADS

Budget Transfers

10) 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 following Budget Transfers:

Highway Department

\$ 5,000.00 From: A.7110.0449 Channel Cleaning To: A.7110.0402 Parks – Supplies

Recreation Department

\$ 1,100.00 From: A.7020.201 Playground Equipment To: A.7020.459 Training

The resolution was unanimously adopted.

Councilwoman Ackerman stated that she has been a Town Councilperson for eighteen years and stated that the Business from the Floor portion of Town Board meetings has become sarcastic and a bullying forum. She thanked the Engineering Department for their assistance in hanging the artwork in the building.

Councilman Kaczor agreed with Councilwoman Ackerman and explained the reason the stipend was given to Supervisor Colarusso for the use of her own vehicle.

Councilman Graber stated that the *Quaker Days* activities were a huge success and thanked all involved.

Councilman Majchrzak stated that even though some of the Town programs don't directly affect everyone, it is for the good of our society to be able to offer them.

Chief Benz stated that the Police Open House was very successful and thanked everyone for the D.A.R.E. program.

11) 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 the approval of all entries on Warrant #15 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$45,313.89
Part Town Fund	\$537.53
Risk Retention	\$956.50
Cemetery Fund	\$0.00
Highway Fund	\$20,173.32
Special Districts	\$112,618.98
Trust & Agency	\$4,265.00
Capital Fund	\$74,219.14

The resolution was unanimously adopted.

COMMUNICATIONS

12) 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 communications:

- Village of Orchard Park Zoning Board of Appeals has scheduled a public hearing at 7:00 PM on Wednesday, August 18, 2010, in the Municipal Center, 4295 South Buffalo Street, Orchard Park, New York on the following appeal: Douglas McFarland, 250 Elmhurst Drive, Zoned R-1.
- Erie Community College North Campus (Building B, enter at Wherle Drive) @ 6205 Main Street, Williamsville is having an Unwanted Pharmaceutical Drop-Off, Saturday, August 7, 2010 from 9:00AM – 1:00 PM.

The resolution was unanimously adopted.

There being no further business, on motion by Supervisor Colarusso, seconded by Councilwoman Ackerman, the meeting was adjourned at 7:55 PM (local time).

Respectfully Submitted,



Carol R. Hutton
Town Clerk