

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 August, 2013 at 7:00 PM, the meeting was called to order by Supervisor Colarusso and there were:

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

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 17, 2013 and the Executive Session Meeting held on July 3, 10, 17 & 31, 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.

PUBIC HEARING

At 7:00 PM (local time) the Supervisor called for the Public Hearing to rezone West Herr Properties, vacant land, adjacent to 5948 Webster Road, located on the north side of Webster Road, west of Broom Street, from R-3 to B-2, as requested by West Herr Properties for the purpose of expanding the existing West Herr, Chrysler-Jeep parking lot. A complete metes and bounds description of this property together with a surveyor’s map is on file in the Town Clerk’s Office for on site inspection during regular business hours.

Supervisor Colarusso asked if there was anyone who would like to speak for or against. The following came forward to speak against this action with the following concerns:

Marsha Langer
 Paul Sisti
 Raymond Waite
 Roberta Grundtisch
 Dan Larivey
 Greg Funk
 David Teribury

Mark Cudney
 Dick Kohl
 Doug Kohl
 Jim Suplicki
 Mary Thompson
 Ed Ehlert
 Peter Vinolus

Property devaluation
 No exits
 Do not want another road
 Quality of life – fumes, lighting, landscape & view
 Safety hazard for pedestrians & bicyclists
 School buses & safety of children
 Noise – trucks unloading vehicles, more truck and car traffic
 Test driving down surrounding neighborhood streets
 Loud PA system
 Area was residential first and zoning is a contract between the Town and the residents, it is unfair to change it

John Wabick – He is the Vice President of West Herr and stated that they had met with the residents and thought that the issues were addressed and satisfied and was not aware that they were not in agreement with the plans.

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

RESOLVED, that the Public Hearing in the matter of the rezoning of vacant land on Webster Road, adjacent to 5948 Webster Road, from R-3 to B-2, for the purpose of expanding the existing West Herr, Chrysler-Jeep parking lot is hereby closed at 7:31 PM (local time).

The resolution was unanimously adopted.

Supervisor Colarusso stated they will not be voting on this tonight.

PUBLIC INFORMATION MEETING

Dangerous & Unsafe structures located at 5856 Lake Avenue, Orchard Park.

This item was tabled.

New Business #1 Authorize Street Party

3) 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 Hummingbird Ct.. to hold a street dance the evening of Saturday, August 31st, 2013 from 3:00 pm until 11:00 pm. Hummingbird Court is a cul-de-sac with approximately 13 houses, located in the Braunview neighborhood. There would be no other streets affected by this temporary closure. Barriers will be provided to block off the road.

The resolution was unanimously adopted.

New Business #2 Adopt the Kronos Workforce Central Protocol

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

WHEREAS, the Town of Orchard Park is installing a Kronos timekeeping system, and

WHEREAS, the Town of Orchard Park is anticipating a full implementation of that Kronos system shortly, and

WHEREAS, the Town of Orchard Park has identified a need to set forth a protocol to register new employees,

NOW, THEREFORE, be it

RESOLVED, that the Town of Orchard adopts the Kronos Workforce Central protocol to register new employees dated July 2013 attached hereto and made a part hereof.

The resolution was unanimously adopted.

New Business #3 Authorize Snow Removal & De-icing of County Roads within Erie County

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

WHEREAS, the Town of Orchard Park, recognizes that plowing and de-icing town, as well as county roads, is in the best interest and safety of its residents, and

WHEREAS, Erie County and the 25 towns within the county have negotiated contracts which assure that the majority of the county roads within the towns would be maintained according to the same snow and ice control methods used on all town roads, and

WHEREAS, such methods have been approved by the Erie County Department of Public Works, and

WHEREAS, in the past, all costs of manpower, equipment, and materials have been calculated to the satisfaction of all parties, and

WHEREAS, any issues that have arisen during snow and ice control in previous years have been resolved by all parties involved, and

WHEREAS, a new contract between the Towns and Erie County is currently being negotiated, and

WHEREAS, on March 20, 2013, there was a tentative agreement between the towns and Erie County which included a 3 year term with an annual increase of 5.0% as was past practice, and

WHEREAS, this agreement was considered fair and within the budgeting confines of Erie County, and

WHEREAS, on April 16, 2013, Erie County made a counter proposal to increase the contract from 3 years to 5 years and to reduce the monetary increase to 0.5%, and

WHEREAS, the county proposed rate is one the towns cannot afford, and

WHEREAS, the budgetary planning for 2014 is going to be starting in many municipalities, and

WHEREAS, the deadline for towns to order road salt de-icer is now past.

NOW THEREFORE be it

RESOLVED, that the Town of Orchard Park calls on the Erie County Executive and the Erie County Legislature to help resolve the issue between the Erie County Department of Public Works and the 25 towns within the County of Erie with regards to snow removal and de-icing of county roads within the towns that is fair and equitable to all parties, and

BE IT FURTHER

RESOLVED, that the Town Clerk of the Town of Orchard Park is to transmit copies of this resolution to Erie County Executive Mark Poloncarz, Erie County Legislator John Mills, Erie County Legislature Chairwoman Betty Jean Grant, and Erie County Department of Public Works Commissioner John Loffredo, and the other towns within Erie County.

The resolution was unanimously adopted.

New Business #4 Authorize Assessor to Extend Temporary Hours

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

WHEREAS, the Assessor's Office is still experiencing a staff shortage because of the resignation of its part time clerk, and

WHEREAS, the Assessor's Office is still in the high volume season, and

WHEREAS, Steven Pigeon has been working full time temporary in the Assessor's Office since June 10, 2013 at \$12.00 per hour and is set to expire August 30, 2013 per the Town Board resolution June 5, 2013.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby grant permission to extend the temporary hours to accommodate the staff shortage until December 31, 2013 for Steven Pigeon at \$14.00 per hour effective August 12, 2013.

The resolution was unanimously adopted.

New Business #5 Appointment of Senior Engineer Assistant to Engineering Department

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

WHEREAS, since 2005 there have been vacancies in the Engineer Department with retirements and per the July 17, 2013 Town Board work session the Board approved the filling of the now vacant Senior Engineer Assistant position, and

WHEREAS, Erie County Department of Personnel has requested New York State Department of Civil Service to prepare a promotional and open competitive examination which is scheduled for September 21, 2013. Position was certified that the appropriate civil service title of Senior Engineer Assistant for the Town of Orchard Park based on job classifications and duties is correct, and

WHEREAS, the Engineering Department received ten applications and interviewed six candidates that responded to the advertisements and postings, and the Town Engineer has concluded that the best qualified individual for the position is Jordan Kellerman. Mr. Kellerman has an A.A.S. in Construction Management from Erie Community College and has worked assisting the Engineering Department in survey work and construction inspection in the past. Jordan has accepted the challenge of construction inspection duties and responsibilities with enthusiasm and has performed his assignments with diligence. With the Sewer, Water & Lighting Department, Jordan has proven to be a dedicated and dependable employee, and

WHEREAS, funding for the Senior Engineering Assistant position is included in the Engineering Department budget. Per the white collar union contract, Jordan Kellerman, Senior Engineer Assistant level 009 Range D wage of \$25.38/hr is proposed, which is the next step above his current salary or an increase of fifty three cents per hour.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint Mr. Jordan Kellerman, 2 Cherokee Drive, West Seneca NY 14224 to the position of Senior Engineer Assistant in the Orchard Park Engineering Department at Level 0009, Range D of the union wage rate schedule, effective August 12, 2013 with a six month probationary period and pending meeting all Civil Service rules and regulations, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #6 Appointment of Laborer to the Sewer, Water and Lighting Department

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

WHEREAS, with James Putnam being hired as a police officer and Jordan Kellerman hired as Senior Engineer Assistant by the Engineering Department, the Sewer, Water and Lighting Department only has one employee remaining with a CDL license with tanker endorsement, and

WHEREAS, the Sewer, Water and Lighting Department employed three or more employees for the past 25 years with CDL licenses', which is required for the sewer jet truck operation. With the retirement of Rick Buss and now James Putnam leaving, only one employee is left in the Department with a CDL license. If that one employee is on vacation, out of Town, or sick there is no one in the Department left that has the required license. Crew Chief Dale Jolls has his permit but does not feel confident to take the driving test, and

WHEREAS, With Cmom being required in the Erie County District 3 Permit by NYSDEC, EPA Phase II regulations and the current public notification law adopted by New York State all SSO are reported and if not handled in a timely manner could result in fines or consent orders. Currently, several areas are maintained regularly with degreasers, jetting and or root cutting. Emergency blockages, if not opened, could surcharge and possibly flood basements with sanitary sewer effluent, and

WHEREAS, The Town of Orchard Park received 23 applications for the Sewer, Water and Lighting Department positions, eight interviews were conducted with Dale Jolls, Crew Chief and Town Engineer. They are recommending Robert E. Stachewicz to the position of Laborer for the Sewer, Water and Lighting Department, and

WHEREAS, Robert Stachewicz, of 51 Burbank Drive in Orchard Park has a CDL Class B license, Construction Safety and Health OSHA 10 hour & 30 hour Training, Hazardous Waste Worker OSHA 29CFR 1910.120 Training, Confined Space OSHA 29CFR 1910.146, Hazardous Communication Programs OSHA 1926.59(k), AWP Safety Training for Operations of Self Propelled Booms, Scissors and Personal Platforms, Lead Awareness Certification, Asbestos Handling Certification and CPR/AED & First Aid. Robert is currently working for Union Concrete and Construction Corporation with Union Local 210 of Buffalo and has experience from various construction companies on numerous sewer and water installations projects. Robert also completed the National Tractor Trailer School and Erie 1 BOCES–Harkness Career and Technical Center, Course work in Building Trades. Robert will need to pursue his tanker endorsement for his CDL License.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint Mr. Robert E. Stachewicz, 51 Burbank Drive, Orchard Park, NY 14127 to the position of Laborer in the Sewer, Water, and Lighting Department at job level 1, Step 1 \$18.19/hr. of the union wage rate schedule, effective August 12, 2013, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #7 Supervisor to sign Agreement for Hickory Hill Public Sanitary Sewer Materials

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

WHEREAS, the sanitary sewer area that the sewer extension proposed by the Hickory Hill Swim Club will service an area consisting of 37 existing homes and approximately 35 acres of undeveloped land and as originally designed in the late 60's, the area must be served by sewers through the Hickory Hill Club property due to the lay of the land, and

WHEREAS the Hickory Hill Club has requested the Town provide materials (8" PVC pipe and only manhole +/- \$2,000) for the public portion. This 162 LF sewer extension will be designed such that the Town will benefit from its construction at such time as the Town extends sewer service to this area.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement to supply materials only, for the Hickory Hill Club sanitary sewer extension.

The resolution was unanimously adopted.

New Business #8 Authorize Supervisor to sign Agreement with DiDonato Engineering & Design

This item was Tabled.

New Business #9 Approve the Excavation Permit for Buffalo Medical Group

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

WHEREAS, the Engineering Department has received from Ellicott Development 295 Main Street, Buffalo, New York 14203, an application for an Excavation / Fill Permit to strip topsoil, fill, and rough grade for a detention basin area, temporary swale, temporary basin access roadway, and parking lots areas and driveways over 8.7-acres. This work will facilitate the proposed future regional commercial business park and the associated proposed public road retention requirements, if approved. In addition, the Planning Board has no issues with proceeding forward with this excavation / fill permit prior to finalizing the commercial site plan approval, and

WHEREAS, the Town Engineer has reviewed the plan and have found it acceptable per Town code. All necessary fees and bonds were received on August 7, 2013.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby adopt the resolution to approve the application for Excavation Permit #2013-01 to strip topsoil, fill, and rough grade for a detention basin area, temporary swale, temporary basin access roadway, and parking lots areas and driveways in 8.7-acres of the proposed future commercial park site, presently owned by Ellicott Development, as recommended by the Town Engineer.

The resolution was unanimously adopted.

Refer to Conservation Board & Planning Board

11) 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 refer to the Planning Board and the Conservation Board the following items:

1. Ellicott Development Company acting on behalf of Rogers Media, is requesting that the property located at the corner of 4297 Abbott and Big Tree Roads, east side of Abbott, south side of Big Tree Road, Zoned B2, be allowed to have an entertainment area for Buffalo Bills' customers attending Bills football home games.
2. Bammel Architects P.C. acting on behalf of the Orchard Park Soccer Club is requesting a "Special Use Permit" for the use of a soccer complex to be located at the Quaker Stables site.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Tom Pieczynski – Mr. Pieczynski spoke on behalf of the seniors and the need for a new senior complex. Their need for socialization is imperative and the existing senior center in Orchard Park is sadly lacking in comparison with other surrounding towns.

Barbara Little – Ms. Little commended the Town for hiring six police officers. She noted that there are numerous building projects going on in the Town and suggested that the Town Board reinstate the Code Enforcement Officer to full time and to possibly add another person.

Dave Schuster – Mr. Schuster asked the Town Board to forget about the senior center and borrow money to repair the Green Lake Dam.

ELECTED OFFICIALS & DEPARTMENT HEADS

Supervisor Colarusso – She stated that the Town Board reinstated the Code Enforcement Officer to a seasonal full time position until the end of the year and are interviewing for a part time person in the Building Inspector’s Office. Councilmember Majchrzak stated that this was a unanimous decision by the Town Board. Supervisor Colarusso read a statement concerning the report conducted done by Wendel Inc. for the possible purchase of the Baker Road School for a proposed senior center. The Town Board agreed that there would have to be an appraisal to determine the cost before any purchase and reconstruction would occur. The BOCES rental contract would be a factor in the outcome of the purchase. Supervisor Colarusso spoke about the Police and their interaction with people with mental issues and senior citizens in need of help.

Councilmember Kaczor – He commented that the Town Board is researching the purchase of the school and other options if it doesn’t turn out to be the right fit for the Town.

Councilmember Majchrzak – He stated that he wants to make sure that this purchase of the school is done right and it may take a significant time to make sure it is the right decision for the Town.

Police Chief Pacholec – He thanked the Town Board for allowing Lt. Joseph Ray and Officer Brian Lukowski to deal with people with mental issues and the senior citizens in need of help with their daily needs. He spoke of several incidents in the Town and stated that the Police are planning to include an underage drinking program through their Police Initiative Program. Chief Pacholec reminded residents to secure properties and vehicles to deter robberies. He reminded the citizens that the Buffalo Bills Pre-season opening game is on Friday, August 9, 2013.

Highway Superintendent Piasecki – He gave a report of the paving schedule in the Town.

Schedule a Public Hearing for Orchard Park Drainage District OPDD 3-7

12) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR COLARUSSO, 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 3-7, which petition was signed by the sole owners of taxable real property situate on the proposed new drainage 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 Carmina Wood Morris, PC, 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 property owners within the proposed district consisting of the construction, installation & maintenance 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 3-7, 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 of the proposed new Town Drainage District OPDD 3-7 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 3-7 is bounded and described (Exhibit A) in the map, plan and report 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 3-7 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 3-7 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 3-7; and

WHEREAS, said new Town Drainage District OPDD 3-7 hereinabove described is to be constructed and paid for by or on behalf of the petitioners, Webster Block, LCC 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 3-7 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 21st day of August 21, 2013 at 7:00 p.m. (prevailing time) and to hold the meeting open until the 4th day of September 2013; to consider the establishment and creation of the new Town Drainage OPDD 3-7; 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.

The resolution was unanimously adopted.

13) 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 amend the Krog Corporation 20A, LLC Medical Park Building Permit to now allow work to start in the Hundred Year Flood Plane area, per the Town Engineer.

The resolution was unanimously adopted.

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

General Fund	\$87,535.47
Public Safety Fund	\$19,560.23
Part Town Fund	\$2,214.85
Risk Retention	0.00
Cemetery Fund	\$220.00
Highway Fund	\$369,268.90
Special Districts	\$141,194.14
Trust & Agency	\$1,925.35
Capital Fund	\$31,311.84

The resolution was unanimously adopted.

15) 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:

Communication:

- Letter from John & Beth MacCarrick in opposition to the West Herr request to rezone property at 5948 Webster Rd. from R-3 to B-2.

The resolution was unanimously adopted.

16) 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:

Report

- Building Inspector's Monthly Report for July, 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 8:25 pm (local time).

Respectfully Submitted,



Carol R. Hutton
Town Clerk