

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 24th day of August 2011 at 7:00 PM, the meeting was called to order by the Councilmember Ackerman and there were:

- PRESENT AT ROLL CALL:**
- | | |
|-------------------------|------------------------|
| David Kaczor | Councilmember |
| Eugene Majchrzak | Councilmember |
| Nancy Ackerman | Councilmember |
| Edward Graber | Councilmember |
| Carol Hutton | Town Clerk |
| Leonard Berkowitz | Town Attorney |
| Andrew Geist | Building Inspector |
| Wayne Bieler | Town Engineer |
| Andrew Benz | Chief of Police |
| Frederick Piasecki, Jr. | Highway Superintendent |
- ABSENT:** Janis Colarusso Supervisor

Councilmember Ackerman 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 ACKERMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER KACZOR, TO WIT:

RESOLVED, that the Regular Town Board Meeting held on July 27, 2011, (Amendment to the minutes-roll call vote: Supervisor Colarusso absent that night) the Special Session/ Executive Meetings held on August 3, 10 & 17, 2011 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 7:00 PM (local time) Councilmember Ackerman called for the Public Hearing to hear all interested parties for or against to establish the Proposed Local Law for the Year 2011 regarding Amendments to the Town Code of Ordinances.

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.

Councilmember Ackerman asked if there was anyone in the audience who would like to speak for or against the Amendments to the Town Code of Ordinances.

No one spoke.

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

RESOLVED, that the Public Hearing to consider Amendments to the Town Code of Ordinances, is hereby closed at 7:06 PM (local time).

The resolution was unanimously adopted.

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

WHEREAS, this Town Board has conducted a public hearing for the Proposed Local Law with regard to various changes to the Town Ordinances on August 24, 2011, and

WHEREAS, notice, pursuant to §239m of the General Municipal Law, was provided to the Erie County Department of Planning, and the Erie County Department of Planning responded, indicating no objection to the passing of these ordinances, and

WHEREAS, the Towns adjacent to the Town of Orchard Park have been provided notice of the proposed amendments to the Zoning Ordinance, and

WHEREAS, this Town Board has reviewed an Environmental Assessment Form prepared at the direction of the Town Board and has taken a hard look at the environmental impact of these Ordinances, and

WHEREAS, this Town Board makes a finding that the adoption of these ordinances will not have a significant impact on the environment.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize to adopt Local Law #3-2011, as published on 27th of July, 2011, and as modified as follows:

- Amendment to Zoning Ordinance §144.17.1 (D) Add (7) Fees – The Conservation Management Overlay District shall be subject to the following fees: Public Hearing Fees, Recreation Fees (if land is not taken in lieu of recreation fees) and Subdivision Development fees.
- Amendment to Zoning Ordinance I-1 Industrial – Schedule of Use Controls, I-1 Industrial: Add to Special Exception Uses: Franchised Motor Vehicle Dealerships.
- Amendments to Zoning Ordinance §144 Attachment 1 Schedule of Zoning Fees: Delete: (P) (3) “Planning Board Public Hearing Fee: \$75.00” Planning Board and Town Board Public Hearing Fees have been added to §144 Attachment 1 (B).

The question of the adoption of the foregoing resolution was duly put to a roll call vote:

Supervisor Colarusso	Absent
Councilmember Ackerman	Aye
Councilmember Kaczor	Aye
Councilmember Graber	Aye
Councilmember Majchrzak	Aye

The resolution was duly adopted.

Old Business #1 Schedule a Public Hearing for 10 Minden Dr. for Special Exception Use.

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

RESOLVED, that the Town Board is hereby authorized to set a Public Hearing for September 21, 2011 at 7:00 PM (local time) with regards to Bradley Walker, 10 Minden Drive, to request a Special Exception Use Permit for Home Occupation in an R-3 zone to operate a Tax and Accounting Business, and be it further

RESOLVED, that the Town Clerk is hereby directed to publish due notice thereof.

The resolution was unanimously adopted.

Old Business #2 Schedule a Public Hearing for Conservation Easements

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

RESOLVED, that the Town Board is hereby authorized to set a Public Hearing for Wednesday September 21, 2011 at 7:00 PM, for the following Conservation Easement Requests:

- Frank & Rosetta Newton, 6463 Bunting Road, requesting a 15-year Conservation Easement for 57.1-acres of Vacant Land.
- Gerald T. Magill, 7230 Gartman Road, requesting a Perpetual Conservation Easement for approximately 8-acres of Vacant Land.

And be it further

RESOLVED, that the Town Clerk is hereby directed to publish due notice thereof.

The resolution was unanimously adopted.

New Business #1 Request to Attend Natl. Recreation & Parks Association Congress & Exposition

6) 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 approve the request to send Kristin Santillo, Assistant Recreation Director, to the National Recreation and Parks Association Congress and Exposition, on November 1-3, 2011, at Atlanta, GA, with the cost not to exceed \$1,200. The cost includes full registration, hotel flight and meals. The money is in the Budget, as requested by the Recreation Director Ed Leak.

The resolution was unanimously adopted.

New Business #2 Supervisor to Sign Agreement with Brown & Stromecki

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

RESOLVED, that the Town Board authorize the Supervisor to sign an agreement for payment of a service fee to Brown & Stromecki in connection with the Town's insurance policy/policies in the amount of \$3, 080.00.

The resolution was unanimously adopted.

New Business #3 Schedule a Public Hearing for OP Drainage District 3-6, Riley Meadows Sub.

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

WHEREAS, the Town Board does hereby schedule a Public Hearing for Wednesday, September 21, 2011 at 7:00 pm on Orchard Park Drainage District OPDD #3-06 for Riley Meadows Subdivision (formerly Brookview Estates) and

WHEREAS, a petition was received by the Town of Orchard Park pursuant to Town Law §191, that the Town Board establish a Drainage District for the Riley Meadows Subdivision. The map, plan and report for the proposed Orchard Park Drainage District OPDD 3-6 for the Riley Meadows Subdivision prepared by Carmina Wood Morris, P.C. in accordance with Article 12 of the Town Law is available at the Town Clerk's office for public review and

WHEREAS, the project involves the installation of the Subdivision's stormwater drainage system, which includes the piping infrastructure, roadway catch basins, stormwater pollution control unit, and detention pond systems for stormwater quality. The construction cost of the Subdivision's stormwater drainage system is estimated at \$350,000, which is the Subdivision development costs associated with drainage infrastructure construction only and will be bore entirely by the developer (Young Development, Inc.) and.

WHEREAS, the establishment of a Drainage District is in the public interest because the district will service prospective new homeowners with the required drainage control of water quality and quantity leaving the subject property per the Federal EPA Environmental Law, the Clean Water Act and Stormwater Phase II regulations. The district formation is to cover additional costs the Town will encounter due to this unfunded mandate, as well as provide necessary maintenance to the stormwater system and.

WHEREAS, the drainage district creation, the applicant has completed and submitted the Short EAF, Parts 1 for this Unlisted SEQR action. The Planning Board is completing a Full Environmental Assessment Form with a coordinated review being conducted with the Town of Orchard Park acting as Lead Agency for the Subdivision Approval.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby accept the map, plan and report in accordance with Section 191 of the Town Law for the establishment of the Orchard Park Drainage District OPDD 3-6 and authorize the scheduling of a Public Hearing on the creation of Orchard Park Drainage District 3-6 for the Riley Meadows Subdivision at the regular meeting of September 21, 2011, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #4 Approve Change Order #1 for Jewett Holmwood Watermain Replacement

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

WHEREAS, the Engineering Department is requesting approval of a Change Order (attached) to the contract with Sergi Construction, Inc. for the Jewett Holmwood Road Watermain Replacement Installations in the amount of \$7,000.00. This would increase the total contract amount to \$543,815.00, representing an increase of 1.30% and

WHEREAS, the Change Order requested is to revise the work under their contract for Jewett Holmwood Road Watermain Replacement Installations. The Erie County Water Authority has informed the Town that the following hydrants are not working and are unable to be repaired. This extra work includes:

- Removing both hydrants, traffic control, placing stone and installing new hydrants for both locations (#6117 Berkley Drive and #3346 Southwestern Blvd.)

NOW THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Change Order #1 to the original contract with Sergi Construction, Inc. for the Jewett Holmwood Road Watermain Replacement Installations in the amount of \$7,000.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #5 Authorize Advertisement of Bid for Iroquois Dr. Drainage Project

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

WHEREAS, the Orchard Park Engineering Department is in the final stages of preparing design plans, specifications, maps, and is coordinating utility relocations for the Iroquois Drive Drainage and Reconstruction Projects and

WHEREAS, the Town has received CDBG Grants in the amount of \$100,000.00 for the Iroquois Drive Reconstruction Project and \$100,000.00 for the Iroquois Drive Drainage Project. The County Environmental will clear on September 22, 2011 and the Town can proceed with contracts and

WHEREAS, the concrete gutter portion of the project has been bid and awarded to E.J. Militello to be completed by May 1, 2012, after the road underdrain is installed. Although it was planned for The Orchard Park Highway Department to complete the underdrain and pavement work with the addition of the drainage project being added late in the season, the project must be bid out and

WHEREAS, the next portion of the project involves the installation of road underdrain and outlet drainage work. The remainder of the project, paving the road, will be completed by the Highway Department in the spring of 2012 and

WHEREAS, construction Plans and Documents for the Iroquois Drive Drainage Project will be available on September 20, 2011 at the Town Clerks office and.

WHEREAS, it is expected that construction can start at the beginning of October, with completion date of June 1, 2012.

NOW THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize advertisements in the Orchard Park Bee, Buffalo Challenger, and The Buffalo News for sealed bids to be opened for Iroquois Drive Drainage Project at 2:00 P.M. on October 4, 2011 in the Supervisor's Conference Room at the Orchard Park Municipal Center.

The resolution was unanimously adopted.

New Business #6 Abandonment of Milestrip Road Water Tank

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

WHEREAS, sections of Milestrip Road, Ponderosa Court and Transit Road have been experiencing water pressure problems for years. Engineering Studies for the proposed Lyrica Park Subdivision in this area found that the proposed development would not be able to be supplied proper pressures by the existing system. With the various water system improvements completed by the Town and ECWA and in an effort to increase existing pressures and fire flows in vicinity of the Milestrip Road tank and supply proposed subdivisions, Erie County Water Authority, Town of Orchard Park and the Greenman-Pedersen Inc. (Consultant for Lyrica Park) performed waterline fireflow and pressure testing in this area and

WHEREAS, testing was completed on May 5, 2011 and concluded that the only way that future expansion of the water system in the Milestrip / Transit Road area can take place is to raise the pressure gradient in the area. This can be accomplished by raising the Milestrip tank, constructing a new tank, or abandoning the tank and providing supply from Horner/Clark Street pressure zone and

WHEREAS, the tank abandonment option would significantly increase the pressure in the entire area with the exception of one small area which would remain above the minimum pressure recommendations. A new elevated tank is the preferred option of ECWA which would benefit the entire Horner/Clark Street pressure zone. The very preliminary cost for a new tank is 1.5 million. Erie County Dept. of Health approved the Town's request to take the Milestrip tank out of service to improve pressures in the area and

WHEREAS, if the tank were to be abandoned, options for future usage can be investigated, including possible utilization as a topsoil storage building and

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Orchard Park Engineering Department and Orchard Park Town Attorney to proceed with the Milestrip Tank Abandonment in an effort to improve water pressure in that zone, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #7 Approve Cycling Fundraiser

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

RESOLVED, that the Town Board does hereby approve the request from Roswell Park Cancer Institute's 2011 cycling fundraiser, *The Ride Boston Hills*. This event will be held on Saturday, October 1, 2011 at Chestnut Ridge Park. The hours will be 7:00 AM to 1:00 PM, subject to submission of certificate of insurance.

The resolution was unanimously adopted.

New Business #8 Approve Fall/Winter/Spring 2011-2012 "Seasonal" Staff

13) 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 approve the following for appointment to the staff of the Town of Orchard Park Recreation Department.

<u>Name</u>	<u>Address</u>	<u>Rate</u>	<u>Position(Title*)</u>
Philarom Amphavanh	1713 Schoellkopf Road	\$8.50	PT1-E (LG)
Kristin Anders	24 Hampton Ct	\$8.50	PT2-B (LG)
Kelsey Anderson	7420 Chestnut Ridge Rd	\$9.00	PT2-B (LG)
Katie Augustine	2960 Bullis Rd	\$8.50	PT1-E (Att)
Nicole Augustine	2960 Bullis Rd.	\$10.50	PT3-C (LG.)
Sarah Badagliacca	7272 Jewett Holmwood	\$8.50	PT1-E (LG)
Jessica Battaglia	30 Norwood Lane	\$8.50	PT1-E (LG)
Brian Benz	17 Brookview Terr.	\$9.00	PT2-B (Att.)
Shauna Birtch	4261 Clinton Street	\$9.00	PT2-B (Att.)
Tressa Bogner	26 Oakland Place	\$10.50	PT3-C (Att)
Kara Borowiak	230 Highland Ave	\$9.00	PT2-B (LG.)
Peter Brady	14 Regalwood Dr.	\$9.00	PT2-B (Att.)
Toby Burns	4128 North Freeman Rd	\$15.00	PT6-D (Att)
Jennifer Buskus	P.O Box 688	\$10.50	PT3-C (Att.)
Jenny Aidala	6420 W Quaker	\$10.50	PT3-C (Att.)
Megan Clough	152 Tanglewood Dr	\$8.50	PT1-E (Att)
Emily Colorusso	1216 Quaker Rd	\$9.00	PT3-C (LG)
Philip Colorusso	1216 Quaker Rd	\$9.00	PT3-C (LG)
Sawyer Dina	9 Swallow Lane	\$8.50	PT1-E (LG)
Brooke Fischman	6 Old Post Rd	\$8.50	PT1-E (Att)
Christopher Ford	5868 Woodlee Ct	\$8.50	PT1-E (LG)
Karin Freyer	49 Potter Ave.	\$9.00	PT2-B (Att.)
Elizabeth Funigiello	4199 Misty Meadow	\$9.50	PT2-D (Att)
Brigid Gallagher	3599 Abbott Road	\$8.50	PT1-E (Att)
Kathleen Goodman	132 Meadowbrook	\$15.00	PT6-D (Att.)
Emily Graber	37 Hampton CT	\$9.50	PT2-D (LG)
Kelli Graber	37 Hampton CT	\$9.50	PT2-D (LG)
Maris Grundy		\$9.50	PT2-D (Att)
Matthew Gura	125 South Lane	\$9.00	PT2-B (LG.)
Bridget Hart	39 Edgewater Dr.	\$9.00	PT2-B (Att.)
Shannon Jablonski	121 Whitney Pl.	\$10.50	PT3-C (Lg.)
Justin Jemiolo	14 Birch Run	\$8.50	PT1-E (LG)

Logan Jensen	7 South Davis St.	\$9.00	PT2-B (Att.)
Cassandra Kaczmarek	6 Lenny's Lane	\$8.50	PTE-1 (LG)
Emily Kennedy	40 Sunset Lane	\$9.00	PT2-B (Att.)
Florence Kirkner	16 Bender Dr.	\$11.25	PT3-E (Lg.)
Margaret Klee	29 Cherry Tree Lane	\$9.50	PT2-D (Lg)
Ashley Kolniak	24 Silent Meadow Lane	\$8.50	PT1-E (LG)
Matthew Kordrupel	6243 Boston Ridge Rd.	\$10.50	PT3-C (Att.)
Lucas Kozub	45 Camelot Dr	\$8.50	PT1-E (Att.)
Julia Krezmien	155 Garry Drive	\$8.50	PT1-E (Att)
Owen Krezmien	155 Garry Drive	\$8.50	PT1-E (Att.)
Salvatore T. LaDuca	220 Anderson Pl.	\$15.00	PT6-D (Att.)
Janet Marks	1203 Jewett Holmwood Rd	\$10.50	PT3-C (Att.)
Kelly Mahoney	12 Brimfield Ct	\$8.50	PT1-E (LG)
Gregory Michael	5330 Murphy Rd	\$10.50	PT3-C (LG)
Erin Miller	5 Chase Drive	\$8.50	PT1-E (Att.)
Tara Minogue	49 Potter Ave	\$8.50	PT1-E (Att.)
Anna McArdle	55 Jolls Lane	\$9.50	PT2-D (LG)
Collin McArdle	55 Jolls Lane	\$9.50	PT2-D (LG)
Anabelle McDonald	87 Hunters Ridge Rd	\$8.50	PT1-E (Att)
Sydney Muggia	12 Mourning Dove Ct	\$8.50	PT1-E (Att.)
Marleah Noonan	66 Meadow Rd.	\$10.50	PT3-C (LG)
Andrea Pawarski	3582 Eric Trail	\$9.00	PT2-B (Att.)
Brittany Popovski	104 Graystone Lane	\$9.00	PT2-B (Att.)
Rachael Reimondo	4568 Ardmore Ct	\$9.00	PT2-B (Att.)
Megan Robertson	62 Potter Ave	\$9.00	PT2-B (Att.)
Anne Romanello	34 Hawthorne Ct.	\$10.50	PT3-C (Att.)
Peter Ryan	34 Park Place	\$8.50	PT1-E (LG)
Molly Schaffstall	15 Ashwood Lane	\$8.50	PT1-E (LG)
Caitlin Schenk	75 Midway Dr.	\$9.00	PT2-B (Att.)
Mary Schichtel	4536 Mt. Vernon Blvd.	\$15.00	PT6-D (Att.)
Linda Sherry	18 Sickmon Ave	\$15.00	PT6-D (Lg)
Madeline Shiley	39 Wildwood Lane	\$8.50	PT1-E (LG)
Heidi Schultz	6111 Bunting Rd	\$9.00	PT2-B (Att)
Christi Schultz	6111 Bunting Rd	\$8.50	PT1-E (Att)
Lauren Simonsen	2 Symphony Cricle	\$8.50	PT1-E (Att.)
Mark Simson	29 Tanglewood West	\$8.50	PT1-E (LG)
Matthew Simson	29 Tanglewood West	\$9.00	PT2-B (LG)
Kate Sloane	192 Hughes Ave	\$9.50	PT2-D (LG)
Nicole Sparks	5556 Draudt Rd	\$8.50	PT1-E (Att)
Adrienne St. Jacques	64 Middlebury Rd	\$9.50	PT2-D (Att.)
Alexis Tarnowski	5940 Elmhurst	\$9.00	PT2-B (LG)
Robert Taylor	154 Germain St	\$9.50	PT2-D (LG)
Allison Tripi	502 Main Street	\$8.50	PT1-E (LG)
Benjamin Tryon	119 Ashwood Ln.	\$9.00	PT2-B (Att.)
Jonathan Van Remmen	60 Tracy Dr	\$8.50	PT1-E (Att.)
Emily Wiencek	4 Old Farm Rd	\$8.50	PTE-1 (Att)
Kimberly Wilder	99 Graystone Lane	\$9.00	PT2-B (Att)
Brian Wylie	53 Stonehenge	\$8.50	PT1-E (Att)
Ana Zarbo	228 Steven Dr	\$9.50	PT2-D (LG)
Michael Zarbo	228 Steven Dr	\$8.50	PT1-E (LG)

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

*Att=Attendant

*LG= Lifeguard

The resolution was unanimously adopted.

New Business #9 Town Board to Approve Appointment to the Board of Ethics

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

RESOLVED, that the Town Board does hereby approve the appointment of Michael B. Risman, 47 Silent Meadow, Orchard Park to the Board of Ethics, to fill the unexpired term of Angela Miller, to end in 2015. This is a five year term.

The resolution was unanimously adopted.

Public Safety Committee Recommendations

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

RESOLVED, that the Town Board is hereby authorized send Officer Schiedel's letter to the Town Engineer, Wayne Bieler, to review several concerns regarding the intersection of Amanda Drive and Carly Jane, at the Quaker Crossing Plaza on Milestrip Road to be discussed with the WalMart project and if the concerns are not addressed by WalMart, the Town needs to further investigate, and be it further

RESOLVED, the Town Board does not recommend that the Town Board authorize to lower the speed limit as requested by the residents on Michael Road from "45 MPH" to "35 MPH", as recommended by the Public Safety Committee.

The resolution was unanimously adopted.

Refer to Planning & Conservation Boards

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

RESOLVED, that the following request be referred to the Planning Board & Conservation Board

- Kathleen Brophy, 3588 North Buffalo Road, located on the west side of North Buffalo Road, south of Milestrip Road, (across from Shanor Electric) Zoned B-3. Applicant is requesting a Change-In-Use for this property from Residential Use to Business Use. (SBL# 161.08-2-25).

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Louis Boehm – Mr. Boehm commented on the article in the paper regarding public comment and reinstatement of two Town Board meetings per month. He stated that most citizen speakers have been cautious in criticism and mostly impersonal except when describing specific incidents.

Kathy Gorkiewicz – Ms. Gorkiewicz thanked the Town Board for resuming the two Town meetings a month. She stated that she appreciated the work session agendas and the informational forum on Hydrofracking but there is much more to learn about it.

Bill McMullen – Mr. McMullen submitted petitions from his neighbors and stated that the assessments and taxes are too high in the Birdsong Subdivision.

David Schuster – Mr. Schuster asked why the Recreation Department fund raiser was held at Hamburg restaurant instead of supporting the businesses in Orchard Park. He asked why the Recreation Assistant needs to go to Atlanta, GA at a cost of \$1200.00 for a conference with information available on the internet. He would like the Town to ban Hydrofracking.

Sheila Miller – Ms. Miller spoke about the dangers of Hydrofracking and feels the Town needs to enact Home Rule and a ban in order to protect the citizens of Orchard Park.

Tom Miller – Mr. Miller read a list of findings from *The Empire* against Hydrofracking.

Lieutenant Buccilli – Lieutenant Buccilli voiced his concerns from a professional standpoint regarding the proposal of the Orchard Park Fire Districts tentative plans to contract the dispatching of all EMS and fire calls through the Town of Hamburg. This action would result in delays in response time due to the duplicate handling of emergency calls. Lieutenant Buccilli asked that the Town Board and the residents to hold the Board of Fire Commissioners accountable, in regards to their thought process and why they feel it's a matter best decided by a majority vote of five individuals.

ELECTED OFFICIALS & DEPARTMENT HEADS

Councilmember Ackerman – She stated that she the Town Board has decided to go back to two Town Board meetings a month. All the Town Board agreed that the one meeting a month was not working. Councilmember Ackerman stated that Supervisor Colarusso has purchased a Commemorative flag in observance of 9-11, which will be flown through the month of September. She addressed the residents that voiced their dismay with the valuation and determination of the Town taxes as it pertained to them. Councilmember Ackerman referred to the Board of Assessment Review, where individuals can make an appointment to review their case for possible relief if it is warranted. She stated that the last Town re-valuation was conducted in 1990 for approximately \$50,000. Councilmember Ackerman stated that the State would reimburse the Town \$5.00 per parcel and she felt certain that the Town Board members would be willing to do some research to find the costs for a professional company to conduct a Town re-valuation. She reported that the Library would be holding their *Chicken & Rib Bar-B-Q* Fundraiser on September 11th. Councilmember Ackerman stated that Erie County Legislator Mills held his *Hot Dog Roast* Fundraiser at the Library on Friday, August 19th, from 11 am to 3 pm. Legislator Mills raised over \$1,000 for the Library and donated all the food and water.

Councilmember Kaczor – He stated that the Town Board vote to go back to holding the meetings twice a month was unanimous and any reference from any press release on the remarks that came out of the Supervisor's office does not necessarily reflect the opinions of everyone on the Board. Councilmember Kaczor reminded the audience to be mindful of school starting in a few weeks and to be aware of students and buses.

Councilmember Majchrzak – He reminded the audience that with the decision to go back to two meetings a month, the next scheduled Town Board meeting would be on September 7th, 2011. Councilmember Majchrzak related to the residents of Birdsong his positive experience with the Board of Assessment Review.

Chief of Police Benz – He reported that an *Emergency Responders Appreciation Day* would be held at Green Lake on Saturday, September 3rd, 2011. Chief Benz reminded the audience that the *Buffalo Bills Kids Day* pre-season game would be held on Saturday, August 27th, 2011 with a new traffic pattern.

Highway Superintendent Piasecki – He reported on road work in the Town.

Town Engineer Bieler – He reported on the road work on Jewett Holmwood Road.

Erie County Legislature Mills – He stated that with Erie County new re-district design, he would now be running in Legislative District 11. He thanked Councilmembers Ackerman and Majchrzak, Supervisor Colarusso and Village Trustee Rood, for their assistance with the Hot Dog Roast at the Library. Legislator Mills gave an update on the repair work schedule for the County highways in the Town.

17) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER ACKERMAN, 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 #16 which were reviewed and approved.

General Fund	\$31,597.68
Part Town Fund	\$1,220.88
Risk Retention	\$3,233.74
Cemetery Fund	0.00
Highway Fund	\$50,793.95
Special Districts	\$6,581.48
Trust & Agency	\$1,021.93
Capital Fund	\$107,415.18

The resolution was unanimously adopted.

18) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER ACKERMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER GRABER TO WIT:

RESOLVED, that the Town Board does hereby receive and file the following communications:

County of Erie, Certificate & Notice of Highway Closure: portion of Newton Road (CR110) will be closed from Chestnut Ridge Road to Abbott Road in the Town of Orchard Park beginning Thursday, August 18, 2011, through approximately Friday, December 2, 2011, or until complete. The purpose of the closure is to replace the existing bridge with a pre-cast arch. Detour signs will be posted, and CATCO will be the contractor.

The resolution was unanimously adopted.

19) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER ACKERMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER GRABER TO WIT:

RESOLVED, that the Town Board does hereby receive and file the following:

Reports:

- Building Inspector's Monthly Report for the month of July 2011
- Chief of Police's Monthly Report for the month of June & July, 2011

The resolution was unanimously adopted.

There being no further business, on motion by Councilmember Ackerman, seconded by Councilmember Majchrzak, the meeting was adjourned at 8:04 PM (local time).

Respectfully Submitted,

**Carol R. Hutton
Town Clerk**