

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 5th day of September, 2012 at 7:00 PM, the meeting was called to order by Supervisor Colarusso and there were:

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

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 SUPERVISOR COLARUSSO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MAJCHRZAK, TO WIT:

RESOLVED, that the Regular Town Board Meeting minutes held on August 15, 2012, & the Executive/Special Session Meeting Minutes of August 15, 22 & 29, 2012 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 Hearing Regarding Property to be Demolished

Councilmember Majchrzak opened the informational hearing regarding the property at 3885 Taylor Road. The Building Inspector has inspected this structure and found it to be in deplorable condition. He recommends the Town Board declare the property as "Dangerous & Unsafe" and to begin the process for repair or removal, as described in Section 47 of the Town Code.

David McManaman, owner of the property expressed that he would like to keep the structure, repair it and make it a storage facility.

Town Attorney Bailey stated that Mr. McManaman was served on August 29, 2012, and has thirty days from that date to start work on the facility, and has 60 days to complete the work.

Councilmember Majchrzak suggested that Mr. McManaman contact the Building Inspector to review the Town Code to see what is required to bring this building up to Code before he invests time and money into it.

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

WHEREAS, the Supervising Building Inspector, has submitted to the Town a report pursuant to Chapter 47 of the Orchard Park Town Code of Ordinances, in the matter of the building at 3885 Taylor Rd. (SBL#161.00-5-32.1), and

WHEREAS, the Supervising Building Inspector has recommended that the structure be declared as “Dangerous & Unsafe” and to begin the process for repair or removal as described in Section 47 of the Town Code, and

WHEREAS, the owner of this structure wishes to repair this structure and use it for storage, and

WHEREAS, the owner was served on August 29, 2012, and had 30 days from that date to start work on the structure, and 60 days to complete the work

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby keep this Hearing open for 60 days, and at the end of 60 days, the Town Board does hereby reserve the right to issue an order of demolition.

The resolution was unanimously adopted.

Old Business #2 Hearing Regarding Property to be Demolished

Councilmember Majchrzak opened the informational hearing regarding the property at 574 Lakeview Ave. The Building Inspector has inspected this property which had a structural fire in December of 2009. A letter was sent to the current owner in January of this year advising the owner of the Building Inspector’s concerns. A violation notice was sent with a deadline of April 23, 2012 to begin repair or demolition of the house. The owner has not gotten back to the Building Inspector and nothing has been done to the house. He recommends the Town Board declare the property as “Dangerous & Unsafe” and to begin the process for repair or removal, as described in Section 47 of the Town Code.

Laurie Siwy, owner of the property, stated that they are currently in the process of selling the home, as is. They had a structural Engineer review the property and deemed it as safe. They had a copy of the engineer’s report which she gave to the Town Attorney. They stated that the Insurance Company ruled the house as safe.

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

WHEREAS, the Supervising Building Inspector, has submitted to the Town a report pursuant to Chapter 47 of the Orchard Park Town Code of Ordinances, in the matter of the building at 574 Lakeview Avenue (SBL#152.09-2-44), and

WHEREAS, the Supervising Building Inspector has recommended that the structure be declared as “Dangerous & Unsafe” and to begin the process for repair or removal as described in Section 47 of the Town Code, and

WHEREAS, the owner of this structure wishes to sell it as is, and

WHEREAS, the owner has was served on August 29, 2012, and had 30 days from that date to start work on the structure, and 60 days to complete the work

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby keep this Hearing open for two weeks, and at the end of 60 days, the Town Board does hereby reserve the right to issue an order of demolition.

The resolution was unanimously adopted.

Old Business #3 Rezoning Request for V/L on the East side of Freeman Rd. from R-1 to CMO

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

WHEREAS, following due and timely notice, a Public Hearing has been held relating to the matter of an Amendment to the Zoning Ordinance of the Town of Orchard Park, which Amendment provides as follows: to rezone a portion of vacant land, 95.7 +/- acres located on the east side of Freeman Road, north of Jewett Holmwood Road, (Bray parcel) Zoned R-1, to Conservation Management Overlay District designation (CMO) as petitioned by Dominic Piestrak.

WHEREAS, the Public Hearing was conducted at the Municipal Center, 4295 South Buffalo Street, Orchard Park, NY 14127, on the 18th day of August 2012, at which time all interested persons were given an opportunity to be heard, and

WHEREAS, no recommendation from the Erie County Dept. of Planning, pursuant to Section 239-m of the General Municipal Law, were received and filed by the Town Board, and

WHEREAS, recommendations from the Town of Orchard Park Planning Board, July 17, 2012, were received and filed with the Town Board, and

NOW, THEREFORE, be it

RESOLVED AND ORDAINED that Zoning Ordinance and the Zoning Map of the Town of Orchard Park be and are hereby amended by rezoning from R-1 to Conservation Management Overlay District (CMO) the following:

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Orchard Park, County of Erie and State of New York, part of Lot No. 6, Township 9 and Range 7 of the Holland Land Survey, bounded and described as follows:

BEGINNING at a point in the north line of Lot 6, distant 258.00 feet easterly from the centerline of Freeman Road (66.0 feet wide) as measured along said north line;

THENCE: S-89°-18'-49"-E, along the north line of Lot 6, a distance of 1,207.90 feet to a point;

THENCE: Through the lands conveyed to John J. & Barbara S. and A. Watson & Susan W. Bray by deed recorded in the Erie County Clerk's Office in Liber 11151 of Deeds at Page 5845, the following six (6) courses and distances;

- 1.) S-01°-01'-46"-W, a distance of 475.00 feet to a point.
- 2.) S-69°-19'-29"-E, a distance of 247.88 feet to a point.
- 3.) Southwesterly, on a curve to the right having a radius of 465.00 feet, an arc distance of 206.08 feet to a point of tangency, said curve having a chord bearing of S-26°-31'-28"-W and a chord distance of 204.39 feet.
- 4.) S-39°-13'-14"-W, a distance of 200.97 feet to a point of tangency.

- 5.) Southwesterly, on a curve to the left having a radius of 560.00 feet, an arc distance of 105.22 feet to a point.
- 6.) S-89°-32'-49"-E, a distance of 543.75 feet to a point on an easterly line of said John J. & Barbara S. and A. Watson & Susan W. Bray lands.

THENCE: S-00°-26'-34"-W, along an easterly line of said John J. & Barbara S. and A. Watson & Susan W. Bray lands, a distance of 1,540.04 feet to the southeast corner thereof;

THENCE: N-89°-08'-13"-W, along the southerly line of said John J. & Barbara S. and A. Watson & Susan W. Bray lands, a distance of 1,931.60 feet to the east line of Freeman Road;

THENCE: N-00°-27'-36"-E, along the easterly line of Freeman Road, a distance of 1,662.94 feet;

THENCE: Along the bounds of lands conveyed to John J. & Barbara S. and A. Watson & Susan W. Bray by deed recorded in the Erie County Clerk's Office in Liber 11151 of Deeds at Page 5845, the following five (5) courses and distances;

- 1.) S-89°-32'-24"-E, a distance of 209.00 feet to a point.
- 2.) N-00°-27'-36"-E, a distance of 200.00 feet to a point.
- 3.) S-89°-32'-24"-E, a distance of 308.00 feet to a point.
- 4.) N-00°-27'-36"-E, a distance of 399.26 feet to a point.
- 5.) N-89°-18'-49"-W, a distance of 550.00 feet to the east line of Freeman Road.

THENCE: N-00°-27'-36"-E, along the easterly line of Freeman Road, a distance of 60.00 feet;

THENCE: Along the bounds of lands conveyed to John J. & Barbara S. and A. Watson & Susan W. Bray by deed recorded in the Erie County Clerk's Office in Liber 11151 of Deeds at Page 5845, the following two (2) courses and distances;

- 1.) S-89°-18'-49"-E, a distance of 225.00 feet to a point.
- 2.) N-00°-27'-36"-E, a distance of 196.50 feet to the POINT OF BEGINNING containing 95.101 acres be the same more or less.

AND, BE IT FURTHER

RESOLVED, that this approval is granted with the following stipulations as recommended by the Planning Board 07/17/12:

1. This is a Type 1 SEQR action based on the submitted Long EAF, Parts 1 & 2 and a Negative Declaration is made.
2. Acreage fees shall be paid in accordance with Section 144-70C of the Town Code prior to publication of the Public Hearing Notice.
3. This recommendation is contingent upon the Applicant completing the project as proposed on the preliminary development plans received on 6/22/12 and shall revert to its original zoning classification if the project is not completed per section 144-67 of the Town Code.
4. Preliminary developmental plans include 48.6 ± acres of land donated to the Town of Orchard Park for park land and flood storage.

AND, BE IT FURTHER

RESOLVED, that this ordinance shall take effect ten (10) days after publication and posting in accordance with Town law, and be it further

RESOLVED, that the Town Clerk shall publish and post a copy of said amendment in accordance with Section 264 & 265 of Town Law.

Councilmember Majchrzak stated that Councilmember Kaczor wanted it to be known that he was in favor of the rezoning. Supervisor Colarusso stated that she thought this would be the best move for that area.

The resolution was unanimously adopted.

New Business #1 Amendment to the 2012 Budget

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

WHEREAS, the Town received funds from the Orchard Park Soccer Club for the purpose of maintaining soccer fields, and

WHEREAS, weather conditions has required the Town to expend additional amounts to maintain and water such fields, and

WHEREAS, the funds received from the Soccer Club were not included in the Town’s 2012 adopted budget for the General Fund,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the amending of the 2012 budget to recognize the amounts received from the Orchard Park Soccer Club and authorize expending such funding for the maintaining of soccer fields as follows:

Increase Estimated Revenues:

A2705.0001	Public Contributions – Recreation	\$ 9,000.00
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Increase Appropriations:

A7110.0400	Parks – Milestrip Fields Supplies	\$ 4,542.00
A7110.0423	Parks – Water	\$ 4,458.00

The resolution was unanimously adopted.

New Business #2 Approve Multiple 2012-2013 Commercial Parking Permits

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

RESOLVED, that the Town Board does hereby approve the following 2012/2013 Commercial Parking Permits as recommended by Building Inspector Geist:

Diane Augustine	3968 Southwestern Blvd
Veronica Benes	3964 Southwestern Blvd
Kevin Bieler	3946 Southwestern Blvd
Giancarlo & Roberta Bruni	5100 Big Tree Rd.
Thomas Carrow	4243 Abbott Rd
Zachary Clark	4180 Abbott Rd
Frank & Vittoria Corsi	4297 Abbott Rd
Dan DeMarco	4270 Abbott Rd.
Joe & Diane DeMarco	3964 California Rd
Kenneth Doeing	3920 Southwestern Blvd
Sean Hanley	3944 California Rd.
Maureen Jakubowski	3796 Abbott Rd

Thomas & Paul Kam	3775 Southwestern Blvd
Sue & Patrick Kane	3952 Southwestern Blvd
Ray & Sue Kowalski	3972 Southwestern Blvd
Mark Leitzan	3808 Abbott Rd.
Mark Leitzan	3816 Abbott Rd.
Mark Leitzan	3830 Sheldon Rd.
Victor Liberatore	3807 Southwestern Blvd
John Mariano	3916 Southwestern Blvd
Lisa Matwijow	4155 Abbott Rd.
American Hammer Holdings LLC	4170 Abbott Rd.
Deborah McDonell	3904 Abbott Rd.
Niagara Frontier Recovery	3958 Southwestern Blvd
On the Go Convenience/Petro	3975 Southwestern Blvd
Arthur Petch (Interstate Asset)	3719 Abbott Rd.
Dennis Przybyl	3976 Southwestern Blvd
Quaker Boy, Inc.	5455 W. Webster Rd.
Red Carpet Inn	3940 Southwestern Blvd
Michael Simoncelli	3848 California Rd.
Scott & Linda Smith	3879 Southwestern Blvd
Southtowns Motel, Inc	3923 Southwestern Blvd
Stadium Mobil, Inc	3856 Southwestern Blvd
Stanley Holdings, LLC	180 Thorn Ave.
Patrick Sullivan	3819 Abbott Rd.
Tailgaters Bar & Grill	3847 Southwestern Blvd
David Tempestoso	3912 Southwestern Blvd
Michael & Karen Todd	3752 Abbott Rd.
Edmund Trella	4317 Abbott Rd
Stephen Tripodi	3800 Southwestern Blvd
Twin Oaks Motel	3949 Southwestern Blvd
W. J. Milligan	3864 Abbott Rd
W. J. Milligan	3892 Abbott Rd
Lee Wannemacher	3746 Abbott Rd.
Henry Whytas Jr.	5528 W. Webster Rd.
Windom Community Church	3766 Abbott Rd.
Joseph Yemma	3785 Abbott Rd.

The resolution was unanimously adopted.

New Business #3 Re-Appointment to the Historic Preservation Board

7) 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 re-appoint Brad Rauch, 5134 Newton Rd, to the Historic Preservation Board, term to end 5/13/2016.

The resolution was unanimously adopted.

New Business #4 Appointment to the Recreation Department

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

RESOLVED, that the Town Board does hereby make the following Fall, Winter, Spring Seasonal part time Staff Appointments

<u>Name</u>	<u>Address</u>	<u>Rate</u>	<u>Position(Title*)</u>
Jonathon Duffy	4881 Sunway Lane	\$8.50	PT1-E (Att)
Margaret Guzzino	100 Graystone Lane	\$8.50	PT1- E (Att)

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

The resolution was unanimously adopted.

New Business #5 Authorize request to post Quaker Arts Festival sign

9) 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 approve a 2 x 1½' lawn sign for the Quaker Arts Festival to be placed next to the Orchard Park Library and to notify the Village, as requested by the Quaker Arts Committee Publicity Chair, Bev Leek.

The resolution was unanimously adopted.

New Business #6 Authorize Assessor's Employee to attend "Cell Tower Valuation Course"

10) 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 approve the request for David Benes to attend a "Cell Tower Valuation Course" in Lockport, New York on Friday, October 26, 2012, at a cost of \$110.00, as requested by Town Assessor Bradshaw.

The resolution was unanimously adopted.

New Business #7 Authorize Supervisor to sign Contract for Radio Communications Equipment

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

WHEREAS, the Town Board authorized the Network Coordinator to research the radio communications services, and

WHEREAS, the Chief of Police and Network Coordinator, upon examination of the existing radio licenses, have determined that the existing radio licenses and equipment require costly upgrades to become compliant with the Federal Communications Commission's January 1, 2013 deadline for private land mobile radio services in the 150-174 MHz and 421-512 MHz (VHF/UHF) bands to migrate to narrowband (12.5 kHz or narrower) technology, and

WHEREAS, upon review of New York State Group 77200, Award 19521 for radio communications equipment, Saia Communications Inc., 100 Stradtman Street, Buffalo NY 14206 (an authorized New York State Office of General Services Authorized Motorola Reseller) was determined to provide the best solution to assist the Town in achieving its future goal of adhering to the Federal Communications Commission's January 1, 2013 deadline

NOW, THEREFORE, be it

RESOLVED, Town Board does hereby authorize the Supervisor to sign a contract with, Saia Communications Inc., 100 Stradtman Street, Buffalo, NY 14206 for purchase of a Public Safety Radio System, for a total cost of \$127,582.98, as detailed in attachment, with funding for the project existing in the Budget Code H.79 (Communications).

The resolution was unanimously adopted.

New Business #8 Approve Public Improvement Permit #2012-03 Riley Meadows Subdivision

Item Tabled.

New Business #9 Order to Establish Drainage District (OPDD) 01-02 Knoche Farm Estates

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

RESOLVED, that the Town Board does hereby close the Public Hearing for Orchard Park Drainage District (OPDD) 01-02 for the Knoche Farm Estates Subdivision and adopt the following Order:

WHEREAS, a map, plan and report relating to the establishment of a proposed Town of Orchard Park Drainage District Number 1-2 as prepared by Greenman-Pedersen, Inc., duly licensed civil engineers of the State of New York, in a manner and in such detail as has been determined by this Town Board, has been duly filed with the Town Clerk, in accordance with the requirements of Article 12 of the Town Law; and

WHEREAS, an Order was duly adopted by this Town Board on April 18, 2012, reciting the filing of said map, plan and report, the improvements proposed, the boundaries of the proposed district, the proposed method of financing, the fact that the map, plan and report describing the same are on file in the Town Clerk's Office for public inspection, and stating all other matters required by law to be stated, and specifying September 5th, at 7:00 in the afternoon of said day as the time, at the Town of Orchard Park Town Hall, as S 4295 South Buffalo Street, Orchard Park as the place where this Town Board would meet and consider said map, plan and report, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law; and

WHEREAS, such order was duly published and posted as required by law; and

WHEREAS, a hearing on said matter was duly held by said Town Board on September 5th at 7:00 p.m. in the afternoon of said day, in the Orchard Park Town Hall, as 4295 South Buffalo Street, Orchard Park, New York, and no person appearing in opposition to and the petitioner appearing in favor of the petition; and

WHEREAS, pursuant to said petition, it is the intention of the petitioner, as sole owner of all the taxable property in said drainage district, to construct said drainage improvements solely at its own expense, now, after due deliberation, it is

RESOLVED AND DETERMINED:

- a) That the notice of hearing was published and posted as required by law, and is otherwise sufficient
- b) That all property and property owners in the proposed district are benefited there by;
- c) That all property and property owners benefited are included within the limits of the proposed district;
- d) That it is in public interest to establish said district; and be it further

RESOLVED AND DETERMINED: That the establishment of the proposed district as set forth in said map, plan and report be approved; that the improvements therein mentioned be constructed by the petitioner; and such district shall be known and designated as the "Town of Orchard Park Drainage District Number 1-2 and shall be bounded and described as set forth as "Exhibit A" attached hereto and made a part hereof; and be it further

RESOLVED AND DETERMINED: That the improvements for such drainage district are to be constructed by, Knoche Farms LLC, the owner of the "Exhibit A" premises, solely at its own expense, and it has offered to convey the same without cost to the Town of Orchard Park, free and clear of encumbrances except the right of access to said improvements by adjoining land owners; that the costs of maintaining said drainage district shall be born by the owners of properties benefited thereby; and be it further

RESOLVED AND DETERMINED: That the Town Clerk be and hereby is authorized and directed to file a certified copy of this resolution in the office of the Clerk of the County of Erie, which is the County in which the said Town of Orchard Park is located, and the office of the State Department of Audit and Control, within 10 days after the adoption of this resolution, pursuant to the provisions of Section 195 of the Town Law.

Exhibit A-1
Legal Description

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Orchard Park, County of Erie, and State of New York being part of Lots 2 and 3, Township 10, Range 7 of the Buffalo Creek Reservation so called, bounded, and described as follows:

COMMENCING in the centerline of Milestrip Road, being the southerly line of Lot 3, distant 501.65 feet easterly from the southwesterly corner thereof, said point being the southeasterly corner of lands conveyed to Milton W. Bull by deed recorded in the Erie County Clerk's Office in Liber 78 of Deeds at page 206;

THENCE: N-00°-22'-47"-E along the easterly line of said Bull, a distance of 33.00 feet to the northerly line of Milestrip Road and the POINT OF BEGINNING of the parcel hereinafter described.

THENCE: N-00°-22'-47"-E along the easterly line of said Bull Lands a distance of 2,562.33 feet to the northerly line of Lot 3;

THENCE: S-89°-50'-54"-E along the northerly line of Lot 3 a distance of 1,032.36 feet to the northeasterly corner thereof;

THENCE: N-88°-06'-32"-E along the northerly line of Lot 2 a distance of 781.44 feet to the northwesterly corner of lands conveyed to Harmon Bullis by deed recorded in Liber 24 of Deeds at page 292.

THENCE: S-00°-04'-34"-E along the westerly line of said Bullis Lands a distance of 949.85 feet to the northeasterly corner of lands conveyed by Shirley J. Knoche and Lorraine Knoche to Health Research, Inc.

THENCE S-60°-12'-35"-W along the northerly line of lands conveyed to Health Research, Inc. a distance of 517.28 feet to the northwesterly corner thereof;

THENCE: S-21°-13'-55"-E along the westerly line of lands conveyed to Health Research, Inc. and the easterly line of lands conveyed by Health Research, Inc. to Shirley J. Knoche and Lorraine Knoche a distance of 766.97 feet to the southeasterly corner of the said Shirley J. Knoche and Lorraine Knoche Lands;

THENCE: S-89°-07'-11"-W along the northerly line of lands conveyed to Isaac Baker by deed recorded in Liber 240 of Deeds at page 191 a distance of 604.49 feet to the west line of Lot 2;

THENCE: S-89°-17'-06"-W along the northerly line of lands conveyed by Liber 7217 of Deeds at page 281 and the northerly line of lands conveyed to Randall C. Verel and Victoria M. Verel by correction deed recorded in Liber 10923 of Deeds at page 1982, a distance of 619.59 feet the northwesterly corner of said Verel Lands;

THENCE: S-00°-57'-55"-E along the westerly line of said Verel Lands a distance of 371.04 feet to the northeast corner of lands conveyed to Jeffrey T. Gertis & Sandra J. Gertis by deed recorded in Liber 11066 of Deeds at page 1055;

THENCE: S-89°-16'-58"-W, along the northerly line of said Gertis Lands, a distance of 220.00 feet to the northwesterly corner thereof;

THENCE: S-00°-57'-55"-E, along the westerly line of said Gertis Lands, a distance of 270.00 feet to the northerly line of Milestrip Road;

THENCE: S-89°-16'-58"-E, along the northerly line of Milestrip Road, a distance of 227.32 feet to the POINT OF BEGINNING containing 78.65 acres be the same more or less.

The resolution was unanimously adopted.

New Business #10 Authorize two Engineers to attend Certified Floodplain Manager Program

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

WHEREAS, the Association of State Floodplain Managers (ASFPM) has established a national program for professional certification of floodplain managers. The program recognizes continuing education and professional development that enhance the knowledge and performance of local, state, federal, and private sector floodplain managers, and

WHEREAS, the L273: Managing Floodplain Development through the National Insurance Program course is designed to provide an organized training opportunity for local officials responsible for administering their local floodplain management, maps and studies, ordinance administration, and the relationship between floodplain management and flood insurance, and

WHEREAS, this course is excellent preparation for the Certified Floodplain Manager Exam that will allow the department to effectively administer the local floodplain management ordinances. The total cost is estimated to be \$539.00 and there are sufficient funds allocated.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize Jason P. Doktor and Wayne L. Bieler to attend the Managing Floodplain Development course and the CFM Exam between September 17 through September 21, 2012 in Sayre, PA in an amount not to exceed \$1200.00 from account 001.8346.413/412 which includes the conference, membership, lodging, and exam, as recommended by Town Engineer Bieler.

The resolution was unanimously adopted.

New Business #11 Authorize to Sewer, Water & Lighting employees to attend Operator School

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

WHEREAS, since the 1930's, New York State has had a Water Treatment Operator Certification Program for the Community Water Systems. The certification is required by all owners of a community

water system who make process control and system integrity decisions about the water quality or quantify that affect public health, and

WHEREAS, there are six grades of certification, based on the size and complexity of the different water systems. Each operator is required to meet certain education, training and experience requirements to be certified. The Town falls under Class D Certification, distribution system only serving greater than 1,000 people, and

WHEREAS, the Town maintained the water system the Sewer, Water, and Lighting Department (SWLD) personnel held the Class D Certification as required by the State. Once the lease-manage agreement was in place with the Erie County Water Authority (ECWA), the certifications were not renewed. Since the agreement, the Town has received repair notices from the ECWA to repair valves and hydrants at the Town's expense. Due to the increased cost of such repairs, it would benefit the Town for SWLD to be re-certified and perform the repairs themselves.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize Thomas Jolls and Albert Marino to attend the New York State Class D Water Operator Certification Course on October 11-12, 2012 to be held in Tonawanda, New York in an amount not to exceed \$700.00, as recommended by Town Engineer Bieler.

The resolution was unanimously adopted.

New Business #12 Authorize Supervisor to Sign Contract with TVGA Consultants

Item Tabled.

The resolution was unanimously adopted.

New Business #13 Authorize Assistant Disaster Coordinator to attend Training Course

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

WHEREAS, Erie County Department of Emergency Services was awarded a grant for training of emergency management personnel to be held in College Station, Texas for a week long Jurisdictional Crisis Emergency Operations Center course, and

WHEREAS, the training is scheduled to take place the week of September 24-28, 2012. The grant will cover all expenses, airfare, per diem, and lodging for the five day course. The grant will not cover salary for the regular work week.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Assistant Disaster Coordinator, Ernie Matthews, to attend the five day Crisis Emergency Operations Center course to be held in College Station, Texas for the week of September 24-28, 2012. Should another opening occur, Assistant Disaster Coordinator, Andy Geist would be authorized to attend the five day training course in Texas, as recommended by Town Engineer Bieler.

The resolution was unanimously adopted.

New Business #14 Town Board to Schedule an Executive Session Mtg. with Blue Collar Union

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

RESOLVED, that the Town Board does hereby schedule an Executive Session Meeting with the Blue Collar Union on Tuesday, September 18, 2012 at 5:00 pm, to discuss Blue Collar Negotiations.

The resolution was unanimously adopted.

Refer to Planning Board and Conservation Board

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

RESOLVED, that the Town Board does hereby authorize to refer to the Planning Board and Conservation Board the following items:

1. Gymnastics Unlimited, 70 Weiss Avenue, located on the south side of Weiss Avenue, Zoned B-2. LBM Construction, Inc. is requesting a Building Permit and Site Plan Approval to construct a 6,650 ± sq. ft. expansion to the existing building, toward the east side of the property.
2. Planning Coordinator, Remy Orffeo, made the following request regarding Harvest Hill Golf Course: To extend the prior approval granted on 7/13/11, for a Building Permit and Site Plan Approval to construct a parking lot with associated landscaping and berms for a period of one (1) additional year, 7/13/13, based on the Site Plan received 8/23/10.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Kathy Gorkiwicz – She suggested that the Town website information should be kept up to date, otherwise it is not useful.

David Schuster – He mentioned the recognition of Labor Day and the Unions with the upcoming Blue Collar negotiations for the Town. He stated that he is happy that Green Lake summer activities have concluded.

ELECTED OFFICIALS & DEPARTMENT HEADS

18) 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 following budget transfers as recommended by Building Inspector Geist for the Building Department:

\$300.00 From: B3620 0400	Title-office supplies
To : B3620 0445	Title-vehicle repair & maintenance
\$780.00 From: B3620 401	Title-St. Fire Codes
To : B3620 445	Title-vehicle repair & maintenance

The resolution was unanimously adopted.

Police Chief Benz – He stated that Erie County Highway will be installing the new all-way “Stop” signs at the New Taylor/SouthTaylor/Taylor Roads intersection. Chief Benz stated to the residents to be aware of the influx of traffic in the Town on Sunday, September 16th due to the Quaker Arts Festival and the Buffalo Bills Home Opening Game.

Highway Superintendent Fred Piasecki – He updated the reconstruction progress on Iroquois Road.

19) 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 #17 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$61,268.32
Public Safety Fund	\$10,192.72
Part Town Fund	\$1,464.46
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$278,352.55
Special Districts	\$221,555.41
Trust & Agency	\$3,426.20
Capital Fund	\$37,072.99

The resolution was unanimously adopted.

20) 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 receive and file the following Communications & Reports:

Communications:

- Village of Orchard Park has scheduled their next electronic recycling event Saturday, September 15th from 10 am – 1 pm at their Highway Garage on Highland Ave.
- County of Erie, in conjunction with the U.S. Department of Agriculture’s Wildlife Services, will be participating in an aggressive raccoon rabies vaccination initiative to begin tentatively August 21-31, 2012. For more information please call Environmental Health Services at 716-961-6800.
- The Home Energy Assistance Program is federally funded & designed to assist eligible households with home heating costs & energy conservation. Clients are encouraged to call the HEAP Hotline 716-858-7644 or visit <http://www2.erie.gov/socialservices/> for program information & advice.

Reports:

- Chief of Police’s Monthly Report for the month of July, 2012.

The resolution was unanimously adopted.

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

Respectfully Submitted,

**Carol R. Hutton
Town Clerk**