

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 15<sup>th</sup> day of September at 7:00 PM, the meeting was called to order by the Supervisor and there were:

<b>PRESENT AT ROLL CALL:</b>	Janis Colarusso	Supervisor
	Nancy Ackerman	Councilwoman
	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
	<b>ABSENT</b>	David Kaczor

**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**, Executive Session/Special Meetings held on September 1 & September 8, 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.**

**New Business # 1 Supervisor to Sign the agreement with the Cintas Facility Services Rental Service.**

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

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign an agreement between the Town of Orchard Park and Cintas Facility services for seasonal rug use.

**The resolution was unanimously adopted.**

**New Business #2 Schedule Public Hearing for 2010-11 Comm. Development Block Grant Funds.**

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

**WHEREAS**, in order to be eligible to continue to receive Community Development Block Grant funds through the Erie County CDBG Consortium, the Town of Orchard Park is required to conduct a public hearing to provide citizens an opportunity for input into the project selection process. Project applications are due on October 25, 2010, and

**WHEREAS**, prior to the hearing, the Engineering Department will prepare an information packet which will describe the CDBG program, a list of previous HUD funded projects in our Town, and a list of potential projects to be considered for next year's funding applications

**RESOLVED**, that the Town Board does hereby schedule a Public Hearing on Wednesday, October 6, 2010 at the Municipal Center, 4295 S. Buffalo St., Orchard Park at 7:00 PM in the Town's board room, and be it further

**RESOLVED**, that the Town clerk shall publish due notice thereof.

**The resolution was unanimously adopted.**

**New Business #3 Approve Public Improvement Permit #2010-01 Pleasant Acres West Sub. Part 1.**

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

**WHEREAS**, the Town has received from Gary Anastasi, Pleasant Acres West, LLC; 4430 Walden Avenue, Lancaster, NY 14086, representing Pleasant Acres West, LLC, an application for a Public Improvement Permit to construct the Pleasant Acres West Subdivision Part 1, and

**WHEREAS**, the project consists of the installation of 1,895 L.F. of new roadways and public utilities to serve 24 residential sublots, and

**WHEREAS**, a stormwater treatment unit and detention basin started with the excavation permit will be completed in this Pleasant Acres West Subdivision Part 1 construction, and

**WHEREAS**, the Town Engineer has reviewed the plans and specifications for the proposed project and have found them to be in compliance with current Town Specifications and Standard, and we are in receipt of all necessary fees, bond, and insurances.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby approve Public Improvement Permit #2010-01 for the Pleasant Acres West Subdivision Part 1, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #4 Approve Excavation/Fill Permit 2010-01 for Birdsong Subdivision Part 3B**

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

**WHEREAS**, the Town has received from Dominic Piestrak, DPS Southwestern Corporate, PO Box 470, East Amherst, New York 14051, an application for an Excavation / Fill Permit to remove an existing fill pile of approximately 13,000 cubic yards from within existing developed Birdsong Subdivision and place it within future phase fill areas and stockpile areas of the proposed Birdsong Subdivision Part 3B and Part 4, and

**WHEREAS**, DPS Southwestern Corporate plans to excavate and place existing fill pile within proposed fill ROW's and stockpile; this will facilitate DPS Southwestern Corporate handling this material once in the future Birdsong Subdivision Part 3B and Part 4. This work would also facilitate the proposed future subdivision ROW subgrade fill requirements, if approved, and

**WHEREAS**, the Town Engineer has reviewed the plan and have found it acceptable per Town code, and all necessary fees, insurances, and bonds have been received.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby approve the application for an Excavation Permit #2010-01 to remove an existing fill pile of approximately 13,000 cubic yards from within the Birdsong Subdivision and place it within future ROW areas and stockpile of the proposed Birdsong Subdivision Part 3B and Part 4, presently owned by DPS Southwestern Corporate, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #5. Approve 2010 Public Stable Permit for Willow View Equestrian**

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

**RESOLVED**, that the Town Board does hereby approve the 2010 Public Stable Permit for Willow View Equestrian ( Hawk Hill Farm), 7895 East Quaker Street, as recommended by the Building Inspector.

**The resolution was unanimously adopted.**

**New Business #6 Sign Lease agreement w/Erie Co. Board of Elections for use of Town Facilities**

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

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign an Agreement between the Town of Orchard Park and the Erie County Board of Elections for the use of George Heintz Community Center, 200 N. Lake Dr., the Orchard Park Municipal Building, 4295 S. Buffalo St., as well as any other Town owned buildings, or structures, as polling locations for the 2010 primary and General Elections, as recommended by the Town Attorney.

**The resolution was unanimously adopted.**

**New Business #7 Approval of Commercial Parking Permits.**

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

**RESOLVED**, that the Town Board does hereby approve the following 2010 Commercial Parking Permits as recommended by the Building Inspector:

- |                           |                        |
|---------------------------|------------------------|
| Diane Augustine           | 3968 Southwestern Blvd |
| Veronica Benes            | 3964 Southwestern Blvd |
| Kevin Bieler              | 3946 Southwestern Blvd |
| Giancarlo & Roberta Bruni | 5100 Big Tree 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
Christopher Drwiega	Vacant land – Webster Rd
Sean Hanley	3944 California Rd.
Sue & Patrick Kane	3952 Southwestern Blvd
Thomas & Paul Kam	3775 Southwestern Blvd
Ray & Sue Kowalski	3972 Southwestern Blvd
Mark Leitzan	3808 Abbott Rd.
Mark Leitzan	3816 Abbott Rd.
Mark Leitzan	3830 Sheldon Rd.
Dana Lewis	5554 W. Webster Rd.
Victor Liberatore	3807 Southwestern Blvd
John Mariano	3916 Southwestern Blvd
Lisa Matwijow	4155 Abbott Rd.
Lisa Matwijow	4170 Abbott Rd.
Deborah McDonell	3904 Abbott Rd.
Milligans	3864 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.
Dave Simoncelli	3730 California Rd.
Dave Simoncelli	3740 California Rd.
Michael Simoncelli	3848 California Rd.
Scott & Linda Smith	3879 Southwestern Blvd
Southtowns Motel, Inc	3923 Southwestern Blvd.
Stadium Mobil, Inc	3856 Southwestern Blvd
Patrick Sullivan	3819 Abbott Rd.
Tailgaters Bar & Grill	3847 Southwestern Blvd.
David Tempestoso	3912 Southwestern Blvd.
Michael & Karen Todd	3752 Abbott Rd.
Stephen Tripodi	3800 Southwestern Blvd
Twin Oaks Motel	3949 Southwestern Blvd
Lee Wannemacher	3746 Abbott Rd.
Henry Whytas Jr.	5528 W. Webster Rd.
Windom Community Church	3766 Abbott Rd.
Joseph Yemma	3785 Abbott Rd.
Ronald & Paul Yoviene	3763 Abbott Rd.
W.J. Milligan	3892 Abbott Rd.

**The resolution was unanimously adopted.**

**New Business # 8, 9 & 10 Public Safety Recommendations**

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

**WHEREAS**, upon recommendation of the Public Safety Committee and pursuant to the authority granted by Section 1660 of the Vehicle and Traffic Law of the State of New York

**NOW, THEREFORE, be it**

**ORDERED**, that a “Deer Crossing” sign is to be placed at the corner of Briar Hill Road and Timberlake Dr., and be it further

**ORDERED**, that a “Sharp Curve” sign is to be placed on Tanglewood Drive West near Fir Top Dr., and be it further

**ORDERED**, that the Highway Superintendent is hereby directed to post the proper and necessary signs indicating the parking restrictions as set forth above, and be it further

**ORDERED**, that the Town Board will send a letter to Erie County Dept. of Transportation to request activation of a traffic signal at Lake Ave. and N. Benzing Rd. intersection, as requested by the Town Engineer Wayne Bieler.

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

**Lou Boehm** – Mr. Boehm stated that since the Town is looking for more industrial property, retrozoning the WalMart parcel back to Industrial zoning would make sense.

**Dave Schuster** – Mr. Schuster discussed different issues regarding WalMart and its operations. He also commented on Barbara O’Brien’s (Buffalo News) article regarding necessity of justification for benefits received by our elected officials, and Rob Goller (Orchard Park Press) for the editorials on the Town’s double standard regarding industrial property, and for calling the Orchard Park residents to spend money in their local businesses to show appreciation and support for their donation to our small town way of life.

**ELECTED OFFICIALS & DEPARTMENT HEADS**

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

**RESOLVED**, that the following budget transfers for the Highway Department:

\$2,600.00	From: A.5010.0419 Highway - other expenses
	To: A.5132.0423 Highway - Garage Water
\$ 700.00	From: A.7110.0238 Parks - Lake Water
	To: A.7110.0423 Parks - Water

**The resolution was unanimously adopted.**

Councilwoman Ackerman stated at the last Northeast Southtowns Solid Waste Management Coalition it was announced that there will be two waste drop off days. One is for Unwanted Pharmaceuticals in which they will accept all medical waste, and it will be on September 25<sup>th</sup> with four drop off sites. The second one is for electronics and it will be on September 18<sup>th</sup> at the GM Tonawanda Engine Plant.

Highway Superintendent, Fred Piasecki, stated that the Highway Dept. is still working the Ellis Road Reconstruction. He thanked John Mills for the County's work on Freeman Road. Mr. Piasecki announced that on September 25<sup>th</sup> there is going to be several events for the residents and their dogs Birdsong Park.

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

**WHEREAS**, per the Erie County Water Authority (ECWA), the Town of Orchard Park is required to pass a resolution to pay the hydrant fee amount upon dedication of the various parts and phases of the subdivision per the lease management agreement between the Town of Orchard Park and ECWA, and

**WHEREAS**, the total construction of the above referenced subdivision will result in thirteen-hydrants in service.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the payment of hydrant fee amount upon dedication of the subdivision phases and associated hydrants per the lease management between the Town of Orchard Park and ECWA, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

Town Engineer, Wayne Bieler, announced that tomorrow morning the final water connections will start on Ellis Road, and all the residents have been notified that may be without water for a while.

Town Engineer, Wayne Bieler, stated that there have been flyers sent to the residents offering insurance on their water lines, to protect the water lines going into the house from leaks etc. It is the opinion of the Engineering Department that unless you typically have these problems, it is not a necessary service to purchase.

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

**RESOLVED**, that the Town Board does hereby authorize the approval of all entries on Warrant #18 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$133,264.54
<b>Part Town Fund</b>	7,771.61
<b>Risk Retention</b>	\$0.00
<b>Cemetery Fund</b>	\$0.00
<b>Highway Fund</b>	\$42,653.98
<b>Special Districts</b>	\$144,310.87
<b>Trust &amp; Agency</b>	\$883.27
<b>Capital Fund</b>	\$42,751.09

**The resolution was unanimously adopted.**

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

**RESOLVED**, that the Town Board does hereby receive & file the following communication & reports:

**Communications:**

- State of New York Department of Transportation has completed the traffic engineering investigation related to the July 28, 2010 request for marked crosswalks on Route 240/277 at New Armor Duells Road. Based on their review they will reapply the stop lines and install crosswalks on all approaches to the intersection of Route 240/277 at New Armor Duells Rd. For additional information please contact Thomas S. Messana at (716) 847-3268.
- The Village of Orchard Park Zoning Board of Appeals has scheduled a public hearing at 7:00 p.m. Wednesday, September 22, 2010 in the Municipal Center, 4295 South Buffalo Street, Orchard Park, NY on the following appeal: Richard & Sandra Bisesi, 64 Jolls Lane, Zone R1, (SBL# 162.17-5-4) 1. Variance to section 225-12 F. (1) © Accessory Structures in R-Districts. Applicant is requesting permission to replace a shed in the same location as existing shed with a side yard set back of 2 ft. Code stipulates no accessory structure shall be erected nearer than eight ft from the rear or side property line of the premises.
- Erie County is having an Electronic Recycling Day. Saturday, September 18, 2010, from 9 a.m. until 1 p.m. at the GM Tonawanda Engine Plant #5, 280 Vulcan Street. For info, visit [www.erie.gov](http://www.erie.gov)
- Erie County is having an Unwanted Pharmaceutical Drop-Off, Saturday, September 25, 2010 at 9 a.m. – 1 pm. Locations include Kenmore Mercy Hospital, American Red Cross (Buffalo), Village of East Aurora Public Works Barn Pine Street Extension, and Hamburg Fair Grounds, 5820 South Park Ave. They are accepting controlled substances, expired, unusable, unwanted household prescription, syringes, sharps containers, or over-the-counter medicines. For more information please call (716) 858-6800 option 3 or visit <http://www.deadiversion.usdoj.gov/takeback/>

**Reports:**

- Building Inspector's Monthly Report and Building Permits for August 2010.

**The resolution was unanimously adopted.**

There being no further business, on motion by Supervisor Colarusso, seconded by Councilwoman Ackerman, the meeting was adjourned at 7:24 PM (local time).

**Respectfully Submitted,**



**Carol R. Hutton**  
Town Clerk





An Executive Session was called by the Town Board of the Town of Orchard Park, Erie County, New York, held at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park, New York on the 22nd day of September 2010 at 7:15 PM, (local time) and there were:

<b>PRESENT:</b>	Janis Colarusso	Supervisor
	Nan Ackerman	Councilwoman
	David M. Kaczor	Councilman
	Eugene Majchrzak	Councilman
	Edward Graber	Councilman
	Leonard Berkowitz	Town Attorney

<b>ABSENT:</b>	Carol Hutton	Town Clerk
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1) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR COLARUSSO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN ACKERMAN, TO WIT:

**RESOLVED**, that the Town Board does hereby call for a Special Meeting to discuss a new capital project line.

**The resolution was unanimously adopted.**

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

**RESOLVED**, that the Town Board does hereby create a capital project line; H89 Brush Mountain Community Activity Center Fund for the purpose to raise funds throughout the Community, or to receive donations, towards a unified building that will support the community of all ages for activities.

**The resolution was unanimously adopted.**

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

**RESOLVED**, that the Town Board go into Executive Session for the purpose of discussing salary/wages for employees in the 2011 Proposed Budget.

**The resolution was unanimously adopted.**

There being no further business, on a motion by Councilman Majchrzak, seconded by Councilman Graber, to wit: the meeting adjourned at 9:11 PM (local time).

Respectfully Submitted



Janis A. Colarusso  
Supervisor

