

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 18th day of September, 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 | |
| | John C. Bailey | Town Attorney | |
| | Carol Hutton | Town Clerk | |
| | Frederick Piasecki, Jr. | Highway Superintendent | |
| | Wayne Bieler | Town Engineer | |
| | Mark Pacholec | Chief of Police | |
| | Absent : | Andrew Geist | Building Inspector |

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 Meetings held on August 7 & 21, September 4, 2013, Special Session Meeting held on August 14, 2013 and the Executive Session Meetings held on August 28, September 4 & 11, 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.

Old Business #1 3900 N. Buffalo Rd., Authorize Building Permit & Grant Site Plan Approval

2) 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 authorize a Building Permit, and grant Site Plan approval for the Plan received 8/28/13 from Ellicott Development Company to construct a Medical Building, 3900 North Buffalo Road, located on the west side of North Buffalo Road, south of Webster Road, 50 +/- acres, Zoned B1 and R2, as recommended by the Planning Board with the following stipulations:

The existing building will be redeveloped for occupancy by the “Buffalo Medical Group” as a one-story 15,000-sq.ft. plus a two-story 30,550 sq.ft. Medical Office Building based on the following conditions and stipulations:

1. This is an Unlisted SEQR action based on the submitted Long EAF, Parts One, and Two, and a Negative Declaration is made.
2. The site lighting plan is limited to those fixtures and poles indicated on the approved Site Plan. The rear parking area light fixtures shall have flat lens. The front parking lot lights shall match the existing Veterinary parking lot lights.

3. No outside storage or display is permitted.
4. Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with §144-25 of the Town Code.
5. The Landscape Plan, received 6/7/13, meets all Town Green Space requirements. In accordance with §144-44(c)(1)(a)(2), a Certified Check amounting to 50% of the \$54,800.00 Landscaping Estimate shall be deposited with the Town Clerk prior to receiving a Building Permit.
6. The architectural exterior elevations are approved as presented on 6/14/13 and approved by the Architectural Overlay District committee.
7. The Zoning Board of Appeals granted a Setback Variance on 4/16/13.
8. Public utilities and road extension alignments are acceptable to the Town Engineering Department, and shall be continued to be coordinated with the Town Engineering Department with proper PIP permits issued through the Town Board.
9. A separate construction entrance for the project (proposed road and building) shall be located on the north side of the proposed Town roadway.
10. Town Engineering Approval has been granted on 9/10/13.
11. The Site Plan shall be revised based on the most recently received Traffic Impact Statement, which has NYS DOT and Erie County Highway Department acceptance, and includes an entrance way with two lanes in, two lanes out and infrastructure of conduits for a future traffic signal.

The resolution was unanimously adopted.

Old Business #2 Public Hearing Set for Special Exception Use Permit

3) 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 schedule a Public Hearing on October 16, 2013, at 7 pm in regards to James Bammel, representing the "Orchard Park Soccer Club", request for a Special Exception Use Permit to develop and operate a soccer training site at the former "Quaker Stables", 4760 Freeman Road, Zoned R-1, as recommended by the Planning Board.

The resolution was unanimously adopted.

New Business #1 Authorize Part-Time Position in Building Inspector's office

4) 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 appoint John F. Wittmann, 5363 Chestnut Ridge Road, Orchard Park, NY to the Part-Time Laborers Position in the Building Inspector's Department at 19.50 hours per week at a rate of \$12.00 per hour, to be effective 9/9/13.

The resolution was unanimously adopted.

New Business #2 Approve Commercial Parking Permits

5) 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 Commercial Parking Permits for 2013.

David Simoncelli 3730 & 3740 California Road

The resolution was unanimously adopted.

New Business #3 Approve Orchard Park High School Homecoming Parade

6) 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 Orchard Park High School Homecoming Parade, which will take place on 9/28/13 from 9:30 am – 10 am. The Orchard Park Pep Club has met all the requirements required by the special events application process, as recommended by the Chief of Police and Recreation Director.

The resolution was unanimously adopted.

New Business #4 Appointments to 2013/2014 Recreation Department

7) 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. The appointments are dependent on the applicant providing the required certifications.

| <u>Name</u> | <u>Address</u> | <u>Rate</u> | <u>Position(Title*)</u> |
|--------------|-------------------|-------------|-------------------------|
| Molly Miller | 8139 Jennings Rd. | \$10.50 | PT3-C (LG) |
| Kyle Schmitt | 149 Hemlock Dr. | \$ 8.50 | PTE-1 (Att) |

Rate Change Staff Appointments

| <u>Name</u> | <u>Address</u> | <u>Old Rate</u> | <u>New Rate</u> | <u>Position(Title*)</u> |
|--------------|-------------------|-----------------|-----------------|-------------------------|
| Logan Jensen | 7 South Davis St. | \$9.00(PT2-B) | \$10.50 (PT3-C) | (Att.) |

The resolution was unanimously adopted.

New Business #5 Approve Attendance to the Conference on the Environment

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

RESOLVED, that the Town Board does hereby approve the request of Anne Bergantz to attend the 2013 Conference on the Environment, scheduled for October 3-5, 2013 at the Adam's Mark Hotel, Buffalo. The cost to attend the conference is \$95.00.

The resolution was unanimously adopted.

New Business #6 Authorize Supervisor to Execute the 2014-2015 CDBG Rural Transit Service

9) 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 the Supervisor to execute the 2014-2015 CDBG Rural Transit Service Program. The purpose of this program is to provide service to individuals living independently.

The resolution was unanimously adopted.

New Business #7 Approve Town Attorney to Attend Seminars

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 of Town Attorney John Bailey to attend The Local Government Law Seminar, scheduled for October 22nd at a cost of \$339.00 and the Public Records Seminar, scheduled for November 7th at a cost of \$339.00.

The resolution was unanimously adopted.

New Business #8 Authorize NYSEG to Connect Decorative Street Lights

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

WHEREAS, the Town has received a proposal from NYSEG for the connection of eleven (11) standard street light fixtures, three (3) on Holly Ridge Lane and eight (8) on Evergreen Trail in the Holly Ridge Subdivision, as shown on the map. At present, there are five (5) single family homes occupied in this subdivision with another five (5) currently under construction of the 26 subplot subdivision, and

WHEREAS, the 70-watt H.P.S. luminaires, which are owned by the Town were installed with the installation of standard street light poles under PIP 2012-01. NYSEG will maintain the bulbs, and the electric eye of the luminaires. The supply of electricity is not included in the price as the Town purchases their electricity from another supplier which is estimated to be \$42.03/ea. For an annual cost of \$462.23 (11). The proposal is for a total of eleven (11) luminaries to be connected at an annual charge of \$23.13 each; totaling annually \$254.49. NYSEG will provide new estimate sheets as new rates become available.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize NYSEG to connect a total of eleven (11) 70-watt high-pressure sodium standard light fixtures in the Holly Ridge Subdivision at an annual increased cost of \$254.49 to the Consolidated Light District in accordance with the NYSEG proposal, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #9 Authorize Attendance to the Railroad Surveying 101 Workshop

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

WHEREAS, this one day seminar provides comprehensive training on Railroad land boundaries and Access Right for those involved in surveying and legal document research. The course is given by a leading industry professional so that those involved in land survey, design, and legal documents can be up to date on continuing education for licensing requirements and operate efficiently with railroad Right-Of-Ways, easements, land boundaries and documents.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize Kenneth W. Partridge PLS- Surveyor to attend the NYSAPLS Railroad Surveying 101 seminar on Tuesday, October 15, 2013 in Syracuse, NY in an amount not to exceed \$200.00, (Kenneth will be in the Syracuse area on personal business prior to the 15th so additional travel time and costs are not a factor), as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #10 Accept Resignation from ZBA & Appoint New Member

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

RESOLVED, that the Town Board does hereby receive with regret the resignation of Richard Zajac from the Zoning Board of Appeals, and be it further

RESOLVED, that the Town Board does hereby appoint Dwight Mateer, 36 Hobby Lane, to fill the vacancy on the Zoning Board of Appeals, term to expire December 31, 2015.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Tom Pieczynski – Mr. Pieczynski asked about a feasibility study and bonds set aside for construction of the Brush Mountain facility. He expressed his concern about the lack of action and communication by the Town Board on behalf of the senior population and wanted to know why.

ELECTED OFFICIALS & DEPARTMENT HEADS

Supervisor Colarusso - stated that she is on board with the Seniors in wanting to obtain a new Senior Center facility, but to be fair to the other tax payers, the Town Board cannot try to work two different options at the same time. They need to follow through on the Baker Road site to see if it is appropriate for a new senior center. If it is not, then they will move on to look at the Brush Mountain site. Town Attorney John Bailey stated that the field work is completed on the Baker Road appraisal and the Town Board will have the paper work on it at the next meeting.

Supervisor Colarusso said that the September 25th work session next week will start at 5:00 pm and she has invited all the Department heads, and the Town Accountant to attend, as she will hand out the proposed 2014 budget. At this time the Town Board and Department Heads will have the opportunity to ask questions. She stated that the 2014 budget was very challenging, but she stayed under the 1.66% tax cap, and was able to give most departments what they need to move forward in 2014. The Building Inspector's office had the full time position of Code Enforcement Officer reinstated and a part time position was filled. In the Assessor's office, two part time jobs were merged to reinstate the full time

position. All non-union, department heads and elected officials, excluding the Supervisor and Board members, received a 2% raise. She also stated that there is a bond anticipation note due next year for a water line construction within the Town. Supervisor Colarusso stated the 2014 Supervisor's Proposed Budget was engineered by her with the support of the Department Heads, the Town Bookkeeper and the Town Accountant. She said she was proud of all who worked so hard to get the budget under the tax cap, while using the least amount of reserves possible. Once the Proposed budget is filed, a Public Hearing will be set for public input.

Supervisor Colarusso stated that the Police Department is taking the biggest increase in the 2014 Budget and this will be explained by Chief Pacholec, at 6:15 pm on September 25th, after the work session, in the Town Board Meeting Room. Chief Pacholec will present a power point presentation of the 2014 Police Budget. The Public is welcome and encouraged to attend this presentation.

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 following budget transfers, as recommended by the Assessor:

Assessor's Office

| | | |
|--------|-------------------|---------------------|
| \$7.78 | From: A.1355.0450 | Publishing |
| | To: A.1355.0446 | Maint. Of Equipment |

The resolution was unanimously adopted.

Councilmember Majchrzak – responding to Mr. Pieczynski, he stated that the Town Board cannot jump around on the different projects. They need to go step-by-step. If they spend \$15,000.00 on a feasibility study at Brush Mountain, and then find Baker Road was a viable project, they would have wasted the \$15,000.00. Brush Mountain is not a dead issue, but they just have to exhaust the research on the Baker Road Facility first.

Police Chief Pacholec – wanted to make sure everyone knew that the Quaker Arts Festival is being held this weekend. There will also be a race near Ralph Wilson stadium at 10:00 am on Saturday, and Nativity of Our Lord Parish is having their Oktoberfest this Saturday.

Highway Superintendent Piasecki – stated that the Highway Department is continuing their drainage work and have re-striped the Senior Center parking lot. He stated the Snow Plowing contract with Erie County has been settled and have agreed to a three year term with a 3% increase each year.

15) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR COLARUSSO, 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 #18 following auditing by members of the Town Board and in the funds indicated:

| | |
|--------------------|-------------|
| General Fund | \$28,423.18 |
| Public Safety Fund | \$25,315.30 |
| Part Town Fund | \$475.51 |
| Risk Retention | \$0.00 |
| Cemetery Fund | \$0.00 |
| Highway Fund | \$70,111.25 |
| Special Districts | \$61,236.25 |
| Trust & Agency | \$949.24 |
| Capital Fund | \$3,326.86 |

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:

Communications

- Letters from Erie County Legislator John Mills, NYS Department of Transportation and Erie County Department of Public Works, regarding traffic safety issues concerning Jewett Holmwood and N. Buffalo Roads.
- Nativity of Our Lord Parish, S4414 S. Buffalo Street, Orchard Park is hosting an Oktoberfest Saturday, September 21, 2013. The festivities will begin at 5 pm and conclude at 11 pm

Reports

- Orchard Park Police Report for August, 2013
- Building Inspector's Monthly Report for August, 2013.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Colarusso, seconded by Councilmember Majchrzak, the meeting adjourned at 7:28 pm (local time).

Respectfully Submitted,



Carol R. Hutton
Town Clerk