

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 19th 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
	David Kaczor	Councilmember
	Carol Hutton	Town Clerk
	John C. Bailey	Town Attorney
	Andrew Benz	Chief of Police
	Richard Mrugalski	Principle Engineer Assistant
	Frederick Piasecki, Jr.	Highway Superintendent
	Andrew Geist	Building Inspector
	Absent	Wayne Bieler

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."

**Public Hearing
2013-2014 Federal Community Development Block Grant Funds**

At 7:00 PM (local time) Supervisor Colarusso called for the Public Hearing to hear all interested parties for or against the 2013-2014 Community Development Block Grant Funds.

Affidavits of Publication and Posting of the Legal Notice of the Public Hearing were presented, read aloud, and filed with the Town Board by the Town Clerk.

Principle Engineer Assistant, Rich Mrugalski, prepared the following statement: The Town of Orchard Park may be eligible to receive Community Development Block Grant (CDBG) Funds from the U.S. Department of Housing and Urban Development (HUD) for the 2013-2014 Program Year.

The purpose of a public hearing is to provide an opportunity for citizens to discuss the needs of the community. The Town is one of 34 municipalities in the Erie County CDBG Consortium. To be eligible for CDBG funding, the proposed project must satisfy one or more of the following national objectives:

Benefit Low and Moderate Income Persons: To benefit low and moderate income persons, it is required that at least 41.9% of the residents of the specific area targeted be at or below the criteria of the income eligibility schedule.

Correct Slums and Blight: A slum or blighted area must be a substantial number of deteriorated or deteriorating buildings or public improvements throughout the area. Currently there are no such areas in the Town of Orchard Park.

Meet an Urgent Community Need: Meeting an urgent community need, the project must alleviate existing conditions that have developed or become critical within the past 18 months and poses a serious and immediate threat to the health and welfare of the community; the grantee is unable to finance, and other resources of funds are not available.

Eligible Activities must include:

- Acquisition of Real Property for a Project
- Public Facilities and Improvements
- Public Services
- Removal of Architectural Barriers
- Historic Preservation
- Commercial or Industrial Rehabilitation
- Special Economic Development
- Program Administration Costs
- Limited Clientele: All elderly, homeless, and handicapped residents are presumed eligible regardless of their location within the Town or their income levels. For a project to be considered under this category, at least 51% of the benefiting persons must be classified as limited clientele.

Since its inception in 1976, the Town has received over \$2.7 million in grants and loans under this Federal Program. It is estimated that the 2012 allotment for the Erie County CDBG Consortium Community's projects will be \$832,000. Funds will be granted on a competitive basis to those municipalities whose projects best meet the HUD goals described above. There is a maximum grant of \$100,000 per project with a maximum of three projects funded per municipality. Applications for this year's Community Development Block Grant funds must be submitted by October 29, 2012.

Some suggested projects recommended for the Town of Orchard Park which may qualify for funding are:

Project	Estimate
• Orchard Park Senior Center Interior Improvement Project	\$58,473.00
• Draudt Road 30" Culvert Replacement & Draudt Road	\$127,183.80
• 8' x 11' Triple Culvert Concrete Invert Installation	
• Burmon Drive Sanitary Sewer Replacement	\$1,156,896.57
• Burmon Drive Road Reconstruction	\$2,228,605.00
• Rural Transit Service (participation in program w/18 towns, 7 villages)	\$28,000.00
• (No matching funds required)	

Supervisor Colarusso asked if there was anyone in the audience that would like to speak on behalf of the 2013-2014 CDBG Funds. No one spoke.

Principle Engineer Assistant Mrugalski discussed the suggested projects and noted that the Town submits for the Rural Transit Service every year.

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

RESOLVED, that the Public Hearing for the Community Development Block Grant funds from the U.S. Department of Housing and Urban Development (HUD) for the 2013 Program Year is hereby closed at 7:05 PM.

The resolution was unanimously adopted.

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

WHEREAS, the Town of Orchard Park may be eligible to receive Community Development Block Grant (CDBG) Funds from the U.S. Department of Housing and Urban Development (HUD) for the 2013-2014 Program Year, and

WHEREAS, the Town of Orchard Park held a public hearing this evening to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income areas in the Town of Orchard Park.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign, submit and execute a contract with Erie County Community Development Block Grant Funds as follows:

- | | |
|--|--------------|
| 1. Orchard Park Senior Center Interior Improvement Project | \$58,473.00 |
| 2. Draudt Road 30" Culvert Replacement & Draudt Road
8' x 11' Triple Culvert Concrete Invert Installation | \$127,183.80 |
| 3. Rural Transit Service | \$28,000.00 |

The resolution was unanimously adopted.

Old Business #1 Property to be Declared as "Dangerous & Unsafe"

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

WHEREAS, on 9/5/12 there was an informational hearing regarding the property at 574 Lakeview Ave. in which the Town Board was considering declaring the property as "Dangerous & Unsafe" and to begin the process for repair or removal, as described in Section 47 of the Town Code, and

WHEREAS, the meeting was left open for additional comment, and additional communication by our Building Inspector and the owner of the property.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby declare the property at 574 Lakeview Avenue (SBL#152.09-2-44) as "Dangerous & Unsafe" and to begin the process for repair or removal, as described in Section 47 of the Town Code, as recommended by the Building Inspector

Laurie Siwy, owner of the property, stated that she and her husband thought they had an agreement with the Building Inspector as they are currently in the process of selling the home, as is.

Building Inspector, Andy Geist, stated that there was no agreement made, that he had told the owners that some movement forward would be beneficial. They were told that if they got the outward appearances of the structure looking decent, fix the windows, roof and siding, Mr. Giest would not have a problem with leaving it empty and them trying to sell the house. The passing of this motion does not automatically mean the house will be torn down. If the Siwy's follow through with cleaning up the house, the Building Inspector can hold off on the demolition.

The resolution was unanimously adopted.

New Business #1 Amend Resolution for Buildings & Grounds Budget

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

WHEREAS, on September 5, 2012 the Town Board passed a resolution amending the Building & Grounds budget, and that resolution needs to be amended, and

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 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 \$ 7,400.00

Increase Appropriations:

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

A7110.0423 Parks – Water \$ 2,858.00

The resolution was unanimously adopted.

New Business #2 Approve Block Party

5) 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 block party on Pine Terrace between Tanglewood Drive West and Greenwood Drive on Saturday, October 6, 2012 between the hours of 4:00 pm to 9:00 pm. and close traffic from Tanglewood Dr West to Greenwood Drive. Rain date is scheduled for Saturday, October 13, 2012.

The resolution was unanimously adopted.

New Business #3 Dedication of PIP 2012-1 Holly Ridge Estates

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

WHEREAS, on September 13, 2012, a final inspection was conducted of the public improvement constructed in the Holly Ridge Estates Subdivision. The project included the installation of Evergreen Trail and remaining portion of Holly Ridge Lane, which consists of the installation of 2,300 L.F. of new roadways and public utilities including 1,750 L.F. of sanitary mainline and 2,200 L.F. of watermain with four hydrants to serve 26 residential sublots as shown on the attached location map and;

WHEREAS, all work has been satisfactorily completed in accordance with Town specifications with the exception of the following, which will be completed when materials are delivered and the weather permits:

- Install 11 light poles and fixtures, and all associated conduits, wiring, and ‘special’ pull boxes, and UL Inspection Certification. \$20,000
- Re-seed and mulching in 12.35-acres of disturbed field areas, if needed \$6,000
- Re-seed and mulching in ROW area, if needed \$3,000
- Install the 2 required “GPS” monuments, and provide confirmatory surveys and associated survey data for all required survey monuments (7 property monuments and 2 “GPS” monuments) \$5,000
- Complete landscape plantings in cul-de-sac (18 trees) \$5,500

WHEREAS, we are in receipt of the cash securities for the items noted above. The cash security will be held in escrow until that work has been satisfactorily completed later this fall. A two-year maintenance bond in the amount of \$725,000.00 has been submitted along with all other necessary documents.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Town Attorney to proceed with the dedication of the public improvements in the Holly Ridge Estates Subdivision under PIP #2012-01, and authorize the Town Clerk to release the performance bond in the amount of \$145,000.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #4 Traffic Order

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

WHEREAS, the Police Chief, Highway Superintendent and Town Engineer have reviewed the street layout for the above referenced subdivision phases and;

WHEREAS, upon dedication of Holly Ridge Estates Subdivision, they recommended that the Town Board adopt the following traffic order:

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the posting of a “STOP” sign on Holly Ridge Lane at the intersection of Evergreen Trail.

The resolution was unanimously adopted.

New Business #5 Appointment to the Recreation Department

8) 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 make the following Fall, Winter, Spring Seasonal part time Staff Appointments (retroactive 9/13/12):

<u>Name</u>	<u>Address</u>	<u>Rate</u>	<u>Position(Title*)</u>
Aimee Beyette	11510 Rt 240	\$9.50	PT2-D (Att)
Michael Kazinski	8 Sandpiper Ct	\$8.50	PT1-E (Att)
Emily Pasternak	4559 Buckingham Lane	\$8.50	PT1- E (LG)
Nicholas Ramage	35 Carlton Drive	\$9.00	PT2- B (Att)
Emily Updike	5625 Cole Rd	\$8.50	PT1- E (Att)

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

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Jackie Briggs – Ms. Briggs thanked the Town Board for their support of the Senior Council’s fundraising for a new Senior Center and encourage corporations and individuals to donate to the fund.

Nick Taneff – Mr. Taneff said he applauds the Building Inspector’s office and the Town Board for standing up to the “no show landlords” in this Town. The Town has to nip this kind of housing in the bud, as there are other such blights in this town

David Schuster – Mr. Schuster said that he foiled (freedom of information) the expenses and revenues associated with “Quaker Splash”. As minimal and vague as the reports were, Mr. Schuster calculated that the “Splash” made \$486.75, not the projected \$10,000.

ELECTED OFFICIALS & DEPARTMENT HEADS

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 authorize the following budget transfers as recommended by:

Planning Coordinator:

- \$900.00 From A.1910.0480 Contingent
To A.8730.0101(Conservation Board Alt.) not originally budgeted in error.
- \$112.50 From: B.8020.0450
To B.8020.0456
- \$112.50 From : B.8010.0413
To B.8010.0456

Recreation Director:

- \$1,627.00 From: A.7020.0450 Publishing
To: A.7020.0428 Field Trips
- \$1,340.00 From: A.7020.0478 Building Rental
To: A.7020.0463 Transportation

Maintenance Dept:

\$1,600.00	From: A.1620.0446	Buildings – Remodeling & Renovations
	To: A.1620.0148	Buildings – P/T Personnel Rec. Building
\$1,900.00	From: A.1620.0446	Buildings – Remodeling & Renovations
	To: A.1620.0419	Buildings – P/T Personnel Town Hall

The resolution was unanimously adopted.

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 call for an Executive Meeting on September 26, 2012, to discuss Budgetary Salaries for 2013.

The resolution was unanimously adopted.

Councilmember Kaczor thanked Ms. Briggs for inviting the Town Board to the Pancake Breakfast and asked the local media if they would make it known that the Senior Council is open to donations for the a new Senior Center. The Recreation Dept. is going to come before the Town Board at a work session to present an overview of the success of the Recreation Department over the past 10 years.

Councilmember Majchrzak complimented the Senior Council on the success of their Pancake Breakfast.

Police Chief Benz stated that the “Stop” signs at Taylor Road are now up.

Highway Superintendent Fred Piasecki updated the reconstruction progress on Iroquois Drive.

11) 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 #18 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$42,309.07
Public Safety Fund	\$14,234.97
Part Town Fund	\$1,045.34
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$29,792.14
Special Districts	\$59,971.51
Trust & Agency	\$968.20
Capital Fund	\$69,831.82

The resolution was unanimously adopted.

12) 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 receive and file the following Communication & Report:

Communications:

- County of Erie is closing a portion of Armor Duells Road (CR44) from Powers Road to Duerr Road in the Town of Orchard Park beginning Monday, September 17, through Thursday September 20, 2012 from 8:00 am – 4:00 pm for culvert replacement at 5750 Armor Duells Road.

Reports:

- Building Inspector's Monthly Report for the month of August, 2012

The resolution was unanimously adopted.

There being no further business, on motion by Councilmember Majchrzak, seconded by Supervisor Colarusso, the meeting was adjourned at 7:29 PM (local time).

Respectfully Submitted,



Carol R. Hutton
Town Clerk