

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 21st day of September 2011 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 |
| Nancy Ackerman | Councilmember |
| Edward Graber | Councilmember |
| Carol Hutton | Town Clerk |
| Leonard Berkowitz | Town Attorney |
| Andrew Geist | Building Inspector |
| Andrew Benz | Chief of Police |
| Frederick Piasecki, Jr. | Highway Superintendent |
- ABSENT:** Wayne Bieler Town Engineer

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

RESOLVED, that the Regular Town Board Meeting held on August 24, & September 7, 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) Supervisor Colarusso called for the Public Hearing to hear all interested parties for or against a Special Exception Use Permit for Home Occupation at 10 Minden Drive, as petitioned by Bradley Walker.

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.

Supervisor Colarusso asked if there was anyone in the audience who would like to speak for or against the Special Exception Use Permit for Home Occupation.

Laurie Dunbar – Ms. Dunbar is opposed to this request as it is a residential neighborhood, she fears it would decrease the value of the surrounding homes and is worried about the parking.

Paul Szczepanski – Mr. Szczepanski is opposed to this request as it is a residential area, and he wants to keep it that way, with no business signs. If one exception is made, more will follow. Parking there would create a huge problem.

Denise Mesel – Ms. Mesel is opposed to this request, as to open a business on this short narrow neighborhood street would be a huge detractor from what is a simple family setting. She also has concerns about additional traffic.

Alma Germain – Ms. Germain is opposed to this request, as this is a family neighborhood, and granting this request would set a precedent. She is also opposed to any signs being placed in the neighborhood.

Barb Zak – Ms. Zak is opposed, as this would set a precedent.

John Kensinger – Mr. Kensinger and his wife are opposed. Minden has no sidewalks, and his neighbors walk up and down the road, and kids ride their bikes, so this would create a safety issue. Also parking cars at the corner of Berg and Minden would cause traffic problems.

Bradley Walker – Mr. Walker is the petitioner. He stated that his business has about 40 clients, and he sees them by appointment only, and the clients are seen only one at a time. The business runs from February to April (13 weeks).

Katie Walker – Ms. Walker stated that she helps her husband in the office. She stated that they moved into the neighborhood because of the country feel to it and does not want to change that. The business is mostly family, friends and a few referrals. It is a small business.

Louis Boehm – Mr. Boehm is opposed to this request as Minden is one of the few roads where he is able to ride his bike. He stated that it is “the foot in the door” and they already have Quaker Crossing and asked for no more rezoning for businesses in residential areas.

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

RESOLVED, that the Public Hearing for a Special Exception Use Permit for Home Occupation at 10 Minden Drive, as petitioned by Bradley Walker, is hereby closed at 7:15PM.

The resolution was unanimously adopted.

Supervisor Colarusso stated the Town Board is going to review the request of Bradley Walker, therefore, they would not be taking any action on this tonight.

PUBLIC HEARING

At 7:16 PM (local time) Supervisor Colarusso called for the Public Hearing to hear all interested parties for or against the following requests for a Conservation Easement.

- Frank and Rosetta Newton, 6463 Bunting Road, for a 15 year Conservation Easement for 57.1 acres of vacant land.
- Gerald T. Magill, 7230 Gartman Road, for a Perpetual Conservation Easement for approximately 8 acres of vacant land.

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.

Supervisor Colarusso asked if there was anyone in the audience who would like to speak for or against the Conservation Easements.

Gayle Thelen – Mr. Thelen is a neighbor of the Newtons and he and his wife are in favor of the Conservation Easement to keep the rural touch in the area.

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

RESOLVED, that the Public Hearing for the request of Conservation Easements is hereby closed at 7:20PM.

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board is hereby authorized to approve 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.

Councilmember Ackerman said the Town Board is grateful to the people who participate in the Conservation Easement program as it does preserve open space for everyone to enjoy. All requests for Conservation Easements are thoroughly reviewed by the Conservation Board. As Mr. Newton is on that board, he recused himself from the decision regarding his property.

The resolution was unanimously adopted.

Old Business #1 Schedule a Public Hearing for OP Drainage District 3-6, Riley Meadows Sub.

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

WHEREAS, the Town Board of the Town of Orchard Park (herein called “Town Board” and “Town” respectively), in the County of Erie, New York, has received a petition pursuant to Section 191 of Town Law, for the establishment and creation of Town Drainage District OPDD 3-6, which petition was signed by the sole owners of taxable real property situate on the proposed new drainage district owning all of the taxable real property of the proposed new drainage district, as shown upon the latest completed assessment roll of said Town and was accompanied by a map plan and report prepared by Carmina Wood Morris, PC, competent engineers duly licensed by the State of New York, and was the drainage district to be constructed and paid for by or on behalf of petitioners, to provide stormwater drainage to prospective property owners within the proposed district consisting of the construction, installation & maintenance of drainage facilities in accordance with the specifications of the New York State Department of

Environmental Conservation and the Town of Orchard Park Engineering Department all in the proposed new Town Drainage District OPDD 3-6, which map and plan have been duly filed in the Office of the Town Clerk of the Town for public inspection; and

WHEREAS, said petition described the boundaries of the proposed new Town Drainage District OPDD 3-6 in a manner sufficient to identify the lands included therein as in a deed of conveyance and was signed by the petitioners and acknowledged or proved in the same manner as a deed to be recorded; and

WHEREAS, the proposed new Town Drainage District OPDD 3-6 is bounded and described (Exhibit A at end of resolution) in the map, plan and report attached hereto and made a part hereof ; and

WHEREAS, the Town Board has given due consideration to the impact that the establishment of the new Town Drainage District OPDD 3-6 may have on the environment and, on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused by the establishment of such new Town Drainage District OPDD 3-6 and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, a duly executed Short Environmental Assessment Form has been filed in the office of the Town Clerk; and

WHEREAS, the Town Board has determined to proceed with the establishment of the proposed new Town Drainage District OPDD 3-6; and

WHEREAS, said new Town Drainage District OPDD 3-6 hereinabove described is to be constructed and paid for by or on behalf of the petitioners, Riley Meadows, LLC and the expense of the establishment and maintenance of the Drainage District shall be paid by the assessment, levy and collection of property taxes upon the several lots and parcels of land within the proposed Town Drainage District OPDD 3-6 in the same manner and at the same time as other Town charges;

NOW, THEREFORE, be it **ORDERED**, that a meeting of the Town Board of the Town be held at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park, New York on the 19th day of October, 2011 at 7:00 p.m. (prevailing time); to consider the establishment and creation of the new Town Drainage OPDD 3-6; as herein referred to, and to hear all persons interested in the subject thereof, concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and be it

FURTHER ORDERED, that the Town Clerk publish as least once in the Orchard Park Bee, a newspaper published in the Town of Orchard Park, New York, which newspaper is hereby designated as the official newspaper of the Town for this publication, and post on the sign board of the Town maintained pursuant to Subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by the Town Clerk, the first publication and said posting to be not less than ten (10) nor more than twenty (20) days before the day designated herein for said public hearing as aforesaid, and be it further

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 Orchard Park Drainage District OPDD 3-6 Riley Meadows Subdivision.

Legal Description of Orchard Park Drainage District OPDD 3-6 Riley Meadows Subdivision

Riley Meadows Subdivision – North Portion
MURPHY ROAD (33.341±ACRES)
TOWN OF ORCHARD PARK

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 Lot No. 21, Township 9, Range 7 of the Holland Land, bounded and described as follows:

BEGINNING at a point in the west line of Lot No. 21 (being also the center line of Murphy Road) distant 2215.33 feet North 00°36'31" East from the southwest corner of Lot No. 21, said point being the northwest corner of lands deeded to Sisters of Mercy of the Buffalo Diocese by deed recorded in the Erie County Clerk's Office in Liber 6861 of Deeds at page 555; thence South 89°07'37" East and along the northerly line of lands so deeded to Sister of Mercy of the Buffalo Diocese 456.94 feet; thence South 41°34'37" East 1011.00 feet; thence South 89°52'37" East 529.98 feet to the westerly line of the Southern Expressway (U.S. Route 219); thence southerly along said westerly line and along the arc of a curve to the right having a radius of 7419.44 feet (the chord of which bears South 15°13'12" West and is 891.68 feet in length) a distance of 892.22 feet; thence North 60°23'29" West 1029.91 feet; thence South 75°36'31" West 559.16 feet to the west line of Lot No. 21; thence North 00°36'31" East along said west line 507.67 feet to the southwest corner of lands deeded to John C. Newell by deed recorded in the Erie County Clerk's Office in Liber 11122 of Deeds at page 8796; thence bounding on lands so deeded to Newell the following three (3) courses and distances: (1) South 89°23'29" East 250.00 feet; thence (2) North 00°36'31" East 125.00 feet; thence (3) North 89°23'29" West 250.00 feet to the west line of Lot No. 21; thence North 00°36'31" East 622.33 feet to the point of beginning, containing 33.341 acres of land more or less.

Subject to the rights of the public and others in and to that portion of the above described premises lying within the bounds of the public highway known as Murphy Road.

All bearings referred to True North at 78°35'00" Meridian of West Longitude.

Riley Meadows Subdivision – South Portion
MURPHY ROAD (8.627±ACRES)
TOWN OF ORCHARD PARK

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 Lot No. 21, Township 9, Range 7 of the Holland Land, bounded and described as follows:

BEGINNING at the southwest corner of Lot No. 21; thence North 00°36'31" East along the west line of Lot No. 21 (being also the center line of Murphy Road) 476.71 feet; thence South 62°23'29" East 479.34 feet; thence South 89°12'52" East 890.16 feet to the westerly line of the Southern Expressway (U.S. Route 219); thence southerly along said westerly line and along the arc of a curve to the right having a radius of 7419.44 feet (the chord of which bears South 22°36'38" West and is 280.52 feet in length) a distance of 280.54 feet to the south line of Lot No. 21; thence North 89°12'52" West 1212.16 feet to the place of beginning, containing 8.627 acres of land more or less.

Subject to the rights of the public and others in and to that portion of the above described premises lying within the bounds of the public highway known as Murphy Road.

All bearings referred to True North at 78°35'00" Meridian of West Longitude.

The resolution was unanimously adopted.

Old Business #2 Change in Use request for 3588 N. Buffalo St.

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

RESOLVED, that the Town Board does hereby approve the request of Kathleen Brophy, 3588 North Buffalo Road, located on the south side of Milestrip Rd., Zoned B-3, for a Change-In-Use from Residential to Business Usage, as recommended by the Planning Board, with the following conditions and stipulations:

- This is a Type II SEQR Action and therefore no determination of significance is required.
- A variance is required if the front yard parking is to remain.

The resolution was unanimously adopted.

Old Business #3 Town Board to schedule a Public Hearing

7) 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 request of Ralph Lorigo, representing Ray Laks Honda, for a Special Exception Use Permit, for vacant land located at the North West corners of Southwestern Blvd. and Mid County Drive, Zoned I-1 to operate a new car Automobile Dealership at this site based on the submitted letter of intent received on 9/1/11, as recommended by the Planning Board with the following conditions and stipulations:

- This is an unlisted SEQR Action and a Negative Declaration is made.
- Fees shall be paid in accordance with §144-70C, of the Town Code prior to publication of the Public Hearing notice.
- The recommendation is contingent upon the applicant completing the project as propose in the letter of intent received on 9/1/1 and shall revert to its original Zoning Classification if the project is not completed per §144-67 of the Town Code.
- The proposed project is in compliance with the Towns long range comprehensive plan
- The applicant has demonstrated a need for the project.
- The project is compatible with adjoining land uses and proposed developments, and will not have a negative impact on the adjacent land value or public safety.
- The applicant has demonstrated an orderly flow of traffic ingress and egress.
- The applicant has provided suitable parking facilities.
- Landscaping as indicated on the propose plan will provide adequate screening.
- Free area for recreation is not required.
- The nearness and impact on schools and utilities is not an issue.
- The health and safety of adjacent properties is not affected.

The resolution was unanimously adopted.

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

WHEREAS, it was established that the foregoing resolution to approve the request for Ray Laks Honda for a Special Use Permit was not in order as a Public Hearing needs to be set.

NOW, THEREFORE, be it

RESOLVED, that the foregoing resolution, number 7, is hereby rescinded.

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board is hereby authorized to schedule a Public Hearing for October 19, 2011 at 7:00PM for Ray Laks Honda request for a Special Exception Use Permit for vacant land located at the Northwest corners of Southwestern Blvd. and Mid County Drive, Zoned I-1 to operate a new car Automobile Dealership at this site based on the submitted letter of intent received on 9/1/11.

The resolution was unanimously adopted.

New Business #1 Approve appointment to Board of Assessment Review

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

RESOLVED, that the Town Board does hereby reappoint James Rykowski, 8 Birdsong Parkway to the Board of Assessment Review with his term to expire 9/20/2016, as recommended by Milton Bradshaw, Town Assessor.

The resolution was unanimously adopted.

New Business #2 Authorize Permit for 2011 OP Homecoming Parade

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

RESOLVED, that the Town Board does hereby approve the request for a Permit for the 2011 Homecoming Parade on October 1st at 10:30 am, with the route to begin at the High School parking lot on Baker Road, right onto 20A, and turning right onto North Freeman Rd. to the Athletic Field parking lot on North Freeman Road. A Certificate of Insurance has been filed in the Town Clerk's office.

The resolution was unanimously adopted.

New Business #3 Resolution in support of Mandate Relief Legislation

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

RESOLVED, that the Town Board does hereby go on record, supporting the following resolution passed by the Association of Erie County Governments at their August 25th meeting:

WHEREAS, in a joint statement by Governor Cuomo, Senate Majority Leader, Skelos and Assembly Speaker, Silver, on June 24, 2011, the passage of Mandate Relief legislation to help local governments and taxpayers was highlighted; and

WHEREAS, a combined Legislative and Executive Mandate Relief Council has been established to refer unfunded mandates to the Legislature and appropriate state agencies for modification or repeal; and

WHEREAS, the legislation also empowers local governments to petition the Council for permanent relief from burdensome or costly regulations; and

BE IT RESOLVED, that the Governor and the State Legislature be encouraged to give this issue top priority and a sense of urgency as we approach upcoming legislative sessions and budget considerations; and

BE IT FURTHER RESOLVED, that the Association of Erie County Governments establish a committee to review and propose a petition to the Governor and State Legislature for permanent relief from such burdensome and costly regulations.

RESOLVED, that the Association of Erie County Governments works with the New York State Association of Towns, New York State Conference of Mayors and County Government Officials to guarantee that the Governor and State Legislature give priority to Mandate Relief.

The resolution was unanimously adopted.

New Business #4 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, which are dependent upon the applicant providing the required certification

<u>Name</u>	<u>Address</u>	<u>Rate</u>	<u>Position(Title*)</u>
Analise Tremblay	11045 Ketchum Road	\$10.50	PT3-C (Att)
Danielle Schaefer	60 Rolling Hills Dr	\$10.50	PT3-C (Att)
Grace Ulrich	3830 North Freeman Rd	\$ 8.50	PT1-E (Att)
Jessica Emerling	4631 South Park Ave	\$ 9.00	PT2-B (Att)

The resolution was unanimously adopted.

New Business #5 Accept resignation of William Hanrahan as Disaster Coordinator

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

RESOLVED, that the Town Board does hereby accept, with regret, the resignation of William Hanrahan as Disaster Coordinator for the year 2011, and thanked him for all that he has contributed and a job well done.

The resolution was unanimously adopted.

New Business #6 Appointment to Emergency Disaster Committee

15) 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 appoint the following to the Emergency Disaster Committee:

- Richard Mrugalski as Disaster Coordinator
- Andy Geist and Ernie Matthews as Assistant Coordinators
- Fred Piasecki as Liaison to the Town Board
- Joe Wehrfritz as Liaison to the Police Department
- Dan Neaverth as Liaison to the Orchard Park Fire District
- Justine LeFauve as Secretary for the year 2011

The resolution was unanimously adopted.

New Business #7 Schedule a Public Hearing for Community Development Block Grant Funds

16) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER KACZOR, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MAJCHRZAK, 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 19, 2011, 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.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby schedule a Public Hearing on Wednesday, October 19, 2011 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 #8 Final change order with MKS Plumbing

17) 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 to the contract with MKS Plumbing Corporation for the Backflow Prevention Devices in the amount of \$739.50. If approved, this would increase the total contract amount to \$1,689.50, and

WHEREAS, this Change Order is required to repair one 2" backflow prevention device at the Municipal Center and to repair one 3" backflow prevention device at the Orchard Park Compost Center. The repairs are necessary in order to pass the required testing of both units, and

WHEREAS, the original contract included alternates for backflow prevention repair kits and hourly rates. Both devices have been repaired and tested. There is presently funding allowed under Capital Projects H.48 District Wide Water Improvements.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Final Change Order #1 to our contract with MKS Plumbing Corporation for the 2011 Backflow Prevention Devices in the amount of an increase of \$739.50, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #9 Town Board to Approve Commercial Parking Permit

18) 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 a Commercial Parking Permit for Danny's South, 4300 Abbott Road, as recommended by the Building Inspector.

The resolution was unanimously adopted.

Refer to Planning & Conservation Boards

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

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

- Regent Companies is requesting a Building Permit and Site Plan approval to construct three-story buildings containing 120-two and four bedroom units, at 3975 Southwestern Boulevard, 3.91 +/- acres vacant land located on the south side of Southwestern Boulevard, adjacent to the ECC South Campus, Zoned B-2. Proposed multi-family use is to provide student housing with on-site parking for the ECC Campus. (SBL#161.00-5-4)

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Nick Taneff – Mr. Taneff spoke in favor of the Town adopting an ordinance banning Recreational Vehicles from being parked in residential driveways. He feels they are an eyesore and potentially dangerous.

Kathryn Gorkiewicz – Ms. Gorkiewicz questioned some of the methods used in the police efficiency study and was disappointed that the study discounted the patrol time. She asked the Town Board to carefully review the study and keep in mind the intangible benefits we receive from our Police Department.

David Schuster – Mr. Schuster said that at the ICMA presentation, when he said that he wanted less recreation, not less protection, he resented the fact that the Town's labor negotiator was the one who answered him, and wanted to know why Mr. Bieter was making decisions on where the Town's tax dollars should go. Mr. Schuster would like the Town Board to put in a handicap parking spot behind the Jolls House.

Louis Boehm – Mr. Boehm has concerns with the ICMA police study and the downsizing of the Police Department. He feels there is an effort to eliminate all auxiliary functions which do not involve direct contact with “police work”.

ELECTED OFFICIALS & DEPARTMENT HEADS

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 authorize the following Budget Transfer:

Highway Department

\$3000.00 From: A.7110.0238 Parks – Lake Water
 To: A.7110.0423 Parks - Water

The resolution was unanimously adopted

Supervisor Colarusso stated that she will not be at the work session next week, as she is having surgery. She stated that over the last 20 years, the Town Board has done a wonderful job managing the taxes. She stated that this year the budget process has been very, very hard, and some of the choices she made could change. The process is to file the Budget next week, then she and the Town Board will review it to decide what changes they feel are necessary.

Councilmember Ackerman talked about the Budget process. She stated that with the 2% tax cap, unfunded mandates and rising costs, the Town Board is facing the toughest budget ever. All the departments have already tightened their belts to the point where there is no fluff left anywhere. They are going to have to find some very creative ways to make the budget work. They have to do it in a way services are not compromised, protect the staff that we have, and move forward in a fiscally responsible way. There is the reserve fund, but that is for emergencies, not day to day operations. One of the things that they are reviewing is to look outside our own community to see what kinds of services other facilities in the county could provide for us, to augment what we are doing. They are only in the beginning stages of looking at this. They are only in the beginning stages of reviewing ICMA police study report, and no one on the Town Board has any conclusions as to the best way to go at this time.

Councilmember Kaczor stated that this budget year is the worst he has ever seen. With the increasing cost of everything, the decrease in revenue, the 2% tax cap, and unfunded mandates, the Town Board is going to have to look outside of the box, and make changes. Some of the moves they are going to have to make are going to be shocking, but they will do their best to make sure our services are maintained. The Town Board has to do what is right for the community. Some people will be happy with what they do, some will not, but they are going to move ahead on it.

Councilmember Graber thanked the Orchard Park Police Department for their assistance during the Nativity Fun Run last Saturday. He stated that in theory the 2% tax cap is a great idea, but ultimately we have ceded some of our authority to Albany.

Highway Superintendent Piasecki they just put the top course on Benning Road and Puritan Place, and finished the jobs.

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

RESOLVED, that the Town Board does hereby authorize the approval of all entries on Warrant #18 which were reviewed and approved.

General Fund	\$41,590.67
Part Town Fund	\$722.71
Risk Retention	\$0.00
Cemetery Fund	0.00
Highway Fund	\$21,202.28
Special Districts	\$32,619.13
Trust & Agency	\$9,224.63
Capital Fund	\$117,134.99

The resolution was unanimously adopted.

22) 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 August, 2011.

The resolution was unanimously adopted.

There being no further business, on motion by Supervisor Colarusso, seconded by Councilmember Kaczor, the meeting was adjourned at 8:01 PM (local time).

Respectfully Submitted,



**Carol R. Hutton
Town Clerk**