

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 6th day of November, 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
	Andrew Geist	Building Inspector
	Mark Pacholec	Chief of Police

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 Meeting held on October 16, 2013, and the Executive Session Meeting held on October 9, 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.

New Business #1 Authorize Compensatory Time to Training Officers & Dispatchers

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

WHEREAS, the Town Board recognizes the commitment and dedication that Field Training Officers and Training Dispatchers expend while training new personnel, which is above and beyond their regular duties, and the need for such trainers.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does authorize the Chief of Police to add one hour of compensatory time to their accruals for every six hours a trainer is actively training.

The resolution was unanimously adopted.

New Business #2 Village request to use Town property for the “Holiday in the Park” Celebration

3) 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 request of the Village of Orchard Park to use Town property, east of the Railroad Depot, for the Annual "Holiday in the Park" Celebration scheduled for Saturday, December 7, 2013 through January 6, 2014, from 4 pm to 7 pm, to display the decorated trees. A Certificate of Liability has been submitted.

The resolution was unanimously adopted.

New Business #3 Enforce Various Unpaid Accounts for Town Services

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, in accordance with New York State Town Law, §198, opt to enforce various unpaid accounts for water, sewer, refuse and other unpaid Town services, by placing a lien upon the real property for which such services were provided, and be it further

RESOLVED, that in light of the aforementioned, the Erie County Legislature shall levy in such sums as indicated against the applicable properties as provided for on the Town Assessor's master computer assessment role file, which is also hereby being delivered by the Assessor with this letter of authorization.

• Total Unpaid Water – EC & OP	\$ 2,165.39
• Total Unpaid Sewer	
• Total Unpaid Refuse – Pro rated garbage	\$ 2,417.34
• Total Agric Penalty	
• Total Other Charges – Prop.Maint	\$ 22,064.40 (21,672.00 + 392.40 FEES)
• Total Omitted Taxes	<u>\$ 207.16</u>
Total	\$ 26,854.29

The resolution was unanimously adopted.

New Business #4 Payroll Clerk, Probationary Period Completed

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

RESOLVED, the Town Board does hereby approve Connie Fitzpatrick's appointment to the position of Payroll Clerk, Permanent, in the Orchard Park Accounting Department, Non-Union Wage Schedule, Range 4, Step 2, effective October 14, 2013, retroactive. She has completed her probationary period.

The resolution was unanimously adopted.

New Business #5 Senior Police Clerk, Probationary Period Completed

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

RESOLVED, the Town Board does hereby approve Beverly Kirkpatrick's appointment to the position of Senior Police Clerk, Provisional, in the Orchard Park Police Department, Non-Union Wage Schedule, Range 4, Step 2, effective December 10th, 2013. She has completed her probationary period.

The resolution was unanimously adopted.

New Business #6 Approval of Two “Yield” Signs

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

WHEREAS, that it was determined by the Public Safety Committee that the posting of two “Yield” signs would better serve the issue of traffic control,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve from the Committee that two “YIELD” signs be posted; one at the intersection of Ironwood Court and Scattertree Lane. These signs would be placed on the east side of Ironwood Court and Springcreek Drive.

The resolution was unanimously adopted.

New Business #7 Schedule a Public Hearing for Historic Designation

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

RESOLVED, that the Town Board is hereby authorized to schedule a Public Hearing for Wednesday, December 4, 2013 at the Municipal Center, S4295 South Buffalo Street, Orchard Park, NY 14127, to request a Historic Designation for 3920 N. Freeman Road. It is State and National Registry eligible and meets one or more of the criteria listed in the Town’s Historic Preservation ordinance.

The resolution was unanimously adopted.

New Business #8 Approve Transfer from Account T37

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

WHEREAS, the Town has received fees for Parkland Development from developers for Recreational Improvements, and

WHEREAS, the Town wishes to improve the infrastructure of security on Town properties including the Recreational areas.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorize the transfer of \$8,520.00 from account T37 Parkland Deposits to the new capital project entitled “Town Infrastructure Security” (project H92) for the purchase of security cameras for the Recreational Areas at Green Lake Park and the 6909 Milestrip Rd. Pavilion & Soccer Complex.

The resolution was unanimously adopted.

New Business #9 Authorize the Amending of the 2013 Adopted Budget

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

WHEREAS, there are sufficient funds in the T.0000.0037, and

WHEREAS, the Town Parks and Grounds Department is in need of fencing that was not budgeted in the 2013 adopted budget, and

WHEREAS, the Town does desire to purchase and install this fencing from the General Fund by transferring funds from the T & A Fund to the General Fund,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorize the amending of the 2013 adopted budget to authorize additional appropriations and estimated revenues of \$3,650.00.

Increase Estimated Revenues:

A.7110.0402	Parks & Grounds – Supplies	\$3,650.00
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Increase Appropriations:

A.0000.5031	Interfund Transfer	\$3,650.00
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The resolution was unanimously adopted.

New Business #10 Authorize Release of \$20,000 Held in Escrow

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

WHEREAS, on September 19, 2012, the Town Board accepted dedication of the public improvements constructed in the Holly Ridge subdivision, PIP 2012-01, with the stipulation that escrow amount of \$20,000 be held until the installation of light bases, pole and fixtures, and all associated conduits, wiring, fuses and ‘special’ pull boxes, and UL Inspection Certification was completed and all required documents submitted and

WHEREAS, the Contractor has since completed the above referenced work. The work was inspected by the Engineering Department and found to be in compliance with Town specifications and the UL Inspection Certification was completed and submitted.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Town Clerk to release to DJC Land, Inc., 2635 Millersport Highway, Getzville, New York 14068, the \$20,000 in escrow for light bases and poles and fixtures, and all associated conduits, wiring, fuses and ‘special’ pull boxes, and UL Inspection Certification in the Holly Ridge Subdivision. (PIP #2012-01)

The resolution was unanimously adopted.

New Business #11 Approve Public Improvement Permit for Ellicott Development

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

WHEREAS, the Town has received from Ellicott Development, 295 Main Street, Buffalo, New York 14203, an application for a Public Improvement Permit to construct a public roadway on the former Saville's Parcel – 3910 North Buffalo Street, now owned by Ellicott Development for a business park, and this roadway will continue into residential development in the future and

WHEREAS, the project consists of 1,000 L.F. of new roadways, 1,930 L.F. of storm drainage, 925 L.F. of watermain, and five street lights, to service five business sublots as shown on the attached location map. Due to Stormwater Phase II regulations, the Town has required the formation of a stormwater public improvement district, which was completed by the Town of Orchard Park Town Board for this project earlier this year, and the stormwater public improvement district is OPDD #3-7 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 Standards, and the Town is in receipt of all necessary fees, insurances, and the performance bond.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the Public Improvement Permit #2013-06 for the Ellicott Development Roadway Project- 3910 North Buffalo Street.

The resolution was unanimously adopted.

New Business #12 Approve Public Improvement Permit for the Hills Subdivision

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

WHEREAS, the Town has received from Greenauer Development, Inc., P.O. Box 250, Springbrook, New York 14140, representing Essex Homes, an application for a Public Improvement Permit to construct The Hills Subdivision and.

WHEREAS, this project consists of the installation of 1,300 L.F. of new roadways, 937 L.F. of sanitary mainline, 1,334 L.F. of watermain, and five street lights, to service thirteen home sublots. Installation of a stormwater treatment unit and excavating a detention basin will be completed during this project. Due to Stormwater Phase II regulations, the Town has required the formation of a stormwater public improvement district, which was completed by the Town of Orchard Park Town Board for this subdivision in 2007, and the stormwater public improvement district is OPDD #3-3 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 Standards, and the Town is in receipt of all necessary fees, insurances, and a cash security in lieu of a performance bond.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the Public Improvement Permit #2013-07 for The Hills Subdivision.

The resolution was unanimously adopted.

New Business #13 Approve Commercial Parking Permit

14) 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 a Commercial Parking Permit for Paul Stephen, 4171 Abbott Road, as recommended by the Building Inspector.

The resolution was unanimously adopted.

Refer to Planning Board

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

RESOLVED, the Town Board does hereby seek Lead Agency Status for the purpose of SEQR Determination for an existing use of a parking area by West Herr Automotive Group, at 3621 Southwestern Boulevard, and a determination is required prior to Applicant purchasing surplus property from the County of Erie. Refer to the Planning Board for a SEQR Recommendation.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Jacqueline Alberts – She is against the proposed soccer fields on Freeman Road. Ms. Alberts stated the road isn't equipped for such an increase in traffic. Lighting and hours of operation were other concerns.

Jacqueline Briggs – She talked about some of the dancing activities at the Senior Center, which contribute to the health and welfare of the senior citizens.

Dave Schuster – He asked about the status of the handicapped parking space behind the Jolls House. He wanted to know if this was an approved project by the Town Board. Mr. Schuster asked how much money was spent on all of the studies regarding the Baker Road School for a proposed Senior Center. He stated two years ago, the Town Board cut their contribution to the Council of the Arts forcing a reduction in the number of Pavilion concerts and felt this was not a fair trade.

Joe Janiga – He had a question about who submitted the request for the Special Exception Use Zoning for the soccer fields.

ELECTED OFFICIALS & DEPARTMENT HEADS

16) 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:

Recreation:		
\$5,000.00	From: A.7020.478 Building Rental	\$2850.00
	A.7020.450 Publishing	<u>\$2150.00</u>
	To: A.7020.463 Transportation	\$5000.00

\$4657.61	From:	A.7020.201 Playground Equip	\$1500.00
		A.7020.486 Recreation Comm	\$ 465.01
		A.7020.420 Telephone	\$1986.00
		A.7020.450 Publishing	<u>\$ 706.60</u>
	To:	A.7020.000 Field Trips	\$4657.61

The resolution was unanimously adopted.

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

WHEREAS, Supervisor Colarusso proposed a motion to create a handicapped parking space behind the Jolls House, but was reminded by Town Engineer Bieler and Highway Superintendent Piasecki that the Town Board has already approved that handicapped parking space by prior resolution, and

WHEREAS, in further discussion, Town Engineer Bieler and Highway Superintendent Piasecki were directed by the Town Board to create that handicapped parking space.

The resolution was unanimously adopted.

Councilmember Kaczor – He asked Town Engineer Bieler to explain to Mr. Janiga the process of who can apply for a Special Exception permit. He explained that the petitioner doesn't always own the property and the property owner could have a purchase contract in order and designate a representative to act on their behalf. Councilmember Kaczor clarified some comments that were published in the *Orchard Park Sun* regarding the Historical Society and the Jolls Building in defense of the Town. He stated that there will be a liaison appointed in January 2014, to improve communications between the Town and the Historical Society.

Councilmember Majchrzak – He thanked everyone who voted in the election and those that supported him and will work harder for those that didn't.

Highway Superintendent Piasecki – He reported on leaf pickup, drainage and the South Abbott bridge progress.

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 approval of all entries on Warrant #21 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$104,861.99
Public Safety Fund	\$138,343.87
Part Town Fund	\$837.52
Risk Retention	0.00
Cemetery Fund	0.00
Highway Fund	\$11,099.10
Special Districts	\$157,704.35
Trust & Agency	\$10,559.01
Capital Fund	\$16,673.60

The resolution was unanimously adopted.

19) 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:

Communications

- Parent Network of WNY is a designated Technical Assistance Center by the NY State Education Department and the US Department of Education. Parent Network of WNY is "the go to" place for questions on Special Education & Disability related topics for Parents & Families. You may call 716-332-4170 or 1-866-277-4762 or online by visiting www.parentnetworkwny.org.
- VA WNY Healthcare System, wants Veterans to know about the benefits & services that they have available. You may call Evangeline Conley, Public Affairs Officer at 862-8753 or via email at EvangelineConley@va.gov.

Reports

- Chief of Police Monthly Report for September, 2013
- Building Inspector's Monthly Report for October, 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 7:38 pm (local time).

Respectfully Submitted,



Carol R. Hutton
Town Clerk