

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 17th day of November at 7:00 PM, the meeting was called to order by the Supervisor and there were:

PRESENT AT ROLL CALL:

- | | |
|-------------------------|------------------------|
| Janis Colarusso | Supervisor |
| Nancy Ackerman | Councilwoman |
| Edward Graber | Councilman |
| David Kaczor | 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 |

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, that the Regular Town Board minutes held on November 3, 2010 are hereby approved, 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 2011 Proposed Ad Valorem Tentative Basic District Budget (s) Adopted

2) 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 adopt the Town of Orchard Park 2011 Ad Valorem budget (includes General, Town Outside Village and Highway Funds) as previously filed by the Town Supervisor and known as the "Preliminary" 2010 Ad Valorem Budget with the following amendments as stated by the Town Accountant:

General Fund:

Increase	A.1440.400	Engineering – Office Supplies	\$ 2,000.00
Increase	A.1440.414	Engineering – Inspector Training	\$ 2,000.00
Decrease	A.1670.400	Central – Office Supplies	\$ 2,000.00
Decrease	A.1670.413	Central – Travel, Conference & Mileage	\$ 2,000.00
Decrease	A.1440.111	Engineering – Salaries Asst. Eng. & Inspectors	\$32,000.00
Decrease	A.1001.000	Real Property Tax Levy	\$32,000.00

And be it further

RESOLVED, that the Town Board does hereby adopt the Town of Orchard Park 2011 Benefit Basis Budgets (which includes various special district funds) as previously filed by the Town Supervisor and known as the "Preliminary" 2011 Benefit Basis Budget with the following amendments as stated by the Town Accountant:

Sewer Distrit No. 16

- Decrease the deficit levy from \$1,000.00 to \$0
- Decrease the tax levy from \$24,199.00 to \$23,199.00

Water District No.8 Ext.1

- Decrease the deficit levy from \$6,000.00 to \$0
- Decrease the tax levy from \$8,142.00 to \$2,142.00

Councilwoman Ackerman thanked Wayne Drescher, Supervisor Colarusso and the residents for their help and input in the budget process.

Supervisor Colarusso stated that a new procedure is going to be put in place. The Department Heads will be given an opportunity to sit with the Town Accountant, and the Supervisor, to review their budget and what is available for them to use.

The resolution was unanimously adopted.

New Business #1 Authorize Village to hold their Village Elections

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

RESOLVED, that the Town Board does hereby authorize the Village Office to hold the Village Elections, Tuesday March 15, 2011, in the basement meeting room of the Town Hall from 12:00 Noon-9:00 PM.

The resolution was unanimously adopted.

New Business #2 Set Public Hearing for Local Law for the Proposed Dog Ordinance

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

WHEREAS, by Part T of Chapter 59 of the Laws of 2010, the New York State Legislature amended the Agricultural & Markets Law of the State of New York to change New York State's dog licensing requirements to make dog licensing a local government function, and

WHEREAS, the Dog Ordinance (Chapter 58 of the Code of the Town of Orchard Park) of the Town of Orchard Park must be amended to reflect these changes in State law, and

WHEREAS, that in accordance with the provisions of the Town Law of the State of New York, a public hearing will be held on the 15th day of December, 2010 at 7:00 p.m. at a meeting of the Town Board at the Municipal Center, S4295 S. Buffalo St., Orchard Park, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard and at which time and place it may be determined by the Town Board whether Chapter 58 of the Code of the Town of Orchard Park ("Dog Ordinance") will be amended

NOW, THEREFORE, be it

RESOLVED, that the Town Board is hereby authorized to Schedule a Public Hearing for Wednesday, December 15, 2010 at 7:00 PM, for a Proposed Local Law for the Year 2010: Dog Ordinance, and be it further

RESOLVED, that the Town Clerk shall publish due notice in the Orchard Park Press, the official newspaper of the Town.

The resolution was duly adopted.

New Business #3 Authorize Temporary Part-Time appointment to the Town Justice Courts

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

RESOLVED, that the Town Board does hereby authorize the appointment of Margaret Theodorakos as a Temporary Part-Time clerk to the Town Justice Courts, starting November 22, 2010. The Wage Range will be PT-7A at \$15.38 per hour.

The resolution was unanimously adopted.

New Business #4 Authorize New Office Hours for Orchard Park Justice Court

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

WHEREAS, the Town Justice Court has established new office hours for the Orchard Park Justice Court as follows: Monday 8:30 am – 4:30 pm, Tuesday 10:00 am – Close of Court, Wednesday 8:30 am – 4:30 pm, Thursday 10 am – Close of Court, Friday 8:30 am – 4:30 pm.,

NOW, THEREFORE, be it

RESOLVED, the Town Board does hereby approve the new office hours for the Orchard Park Justice Court.

The resolution was unanimously adopted.

New Business #5 Authorize Payment of Credit Card Bill

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

WHEREAS, the Town Board of the Town of Orchard Park has accepted the use of a credit card to be used for payment of Town bills, and

WHEREAS, the actual credit card bill arrives for payment at a specified time of the month and must be paid in a timely manner to avoid late fees

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize payment of the Credit Card bill upon receipt in the Accounting Office by manual check if need be to avoid late fees.

The resolution was unanimously adopted.

New Business #6 Authorize the Purchase of a new “unmarked” Police Car

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

WHEREAS, the Town Board does hereby authorize the Chief of Police to purchase a new “unmarked” police car at the “State Bid Price”, including delivery, not to exceed \$18,000.00, and be it further

RESOLVED, that the money is in the Police Department Budget.

The resolution was unanimously adopted.

New Business #7 Refer to Conservation Board & Planning Board

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

RESOLVED, that the request for 3705 North Buffalo Road, located on the east side of North Buffalo Road, north of East Webster Road, Zoned B-3. (SBL# 162.05-2-6) to subdivide property into two (2) parcels is hereby referred to the Town Planning Board and Conservation Board. The main parcel will contain the existing car wash building and the second parcel will be developed for a new commercial property. Site improvements will be made to the main parcel that includes the rebuilding of the existing car wash site with the construction of an addition to the building for use as a laundry mat.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Kathy Gorkiewicz– she stated that the proposed dog ordinance should be posted on the Town’s website so residents may read it prior to the public hearing.

Beverly Rick- she stated that, in the interest of safety, hunting in the Town of Orchard Park should be restricted or not allowed at all, as the Town has grown considerably and is more highly populated. Police Chief Benz stated that the NYS DEC sets the boundaries for where hunting can take place.

David Schuster – he feels that the Town Board work sessions should be held according to the times scheduled. Mr. Schuster feels putting in electrically heated sidewalks around the Senior Center is a complete waste of money and not cost effective.

Jim Crow – thanked Councilman Kaczor for discussing the safety issues surrounding joggers after dark and stated bicyclists should have more protective outfitting for night time as well as joggers. He said that in the sense of safety, the Town should look at pursuing the Rails to Trails.

John Marlow – wanted to know why the Town & Village did not pursue the purchase of the building next to the Senior Center to expand the Center. Having the Senior Center in the Village makes much more sense that relocating it to some remote site.

ELECTED OFFICIALS & DEPARTMENT HEADS

Budget Transfers

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

RESOLVED, that the Town Board does hereby authorize the following Budget Transfers:

Town Justice Department

\$1,000.00	From: A.1110.0139 – Town Justice – P/T Clerical
	To: A.1110.0137 – Town Justice – Clerical Personnel

Highway Department

\$ 91.00	From: A.5010.0419	Supt. Hwy Other Expense
	To: A.5110.0210	Supt. Hwy Other Equip
\$835.00	From: A.7110.0449	Parks - Channel Cleaning
	To: A.7110.0420	Supt. Hwy – Internet/Tele Charge
\$1,316.00	From: A.7110.0449	Parks-Lake Channel Cleaning
	To: A.5132.0423	Hwy Garage Water
\$200.00	From: A.7110.0449	Parks – Chan Cleaning
	To: A.7110.0445	Parks – Vehicle Repair & Maintenance
\$200.00	From: A.7110.0449	Parks – Chan Cleaning
	To: A.7110.0446	Parks – Small Equip Repair
\$1,570.00	From: DA.5110.0473	Ready MFX Manholes
	To: DA.5110.0407	Uniform Allowance
\$4,000.00	From: DA.5110.0472	Hwy Stone Gravel
	To: DA.5130.0419	Machinery – Other Expense

The resolution was unanimously adopted.

Nan Ackerman announced that on December 10, 2010 the Orchard Park Symphony will be performing its Christmas Concert at the High School at 7:30 pm.

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

WHEREAS, the Village of Orchard Park has received a grant for the renovation of sidewalks, and

WHEREAS, with this grant the Village will be able to install heated sidewalks around the Town Senior Center

NOW, THEREFORE, be it

RESOLVED, that the Town Board, in cooperation with the Village of Orchard Park Sidewalk Renovation Grant Project, does hereby agree to cover the electric cost related to the heated sidewalks at the Senior Center.

The resolution was unanimously adopted.

Ed Graber announced that on Saturday, December 4, 2010 the Village will hold their Holiday Party with a visit from Santa Claus for the children.

Highway Superintendent Piasecki stated that the Highway Department is continuing the leaf collection in the Town. Mr. Piasecki was pleased to announce that the Highway Department has won an award for the Ellis Road Reconstruction.

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

RESOLVED, that the Town Board does hereby authorize the approval of all entries on Warrant #22 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$60,932.68
Part Town Fund	\$1,002.81
Risk Retention	\$0.00
Cemetery Fund	\$65.00
Highway Fund	\$36,725.77
Special Districts	\$34,558.32
Trust & Agency	\$387.83
Capital Fund	\$373,510.67

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby receive & file the following report:


Report:

- Building Inspector's Monthly Report for the month of September 2010.

The resolution was unanimously adopted.

There being no further business, on motion by Supervisor Colarusso, seconded by Councilman Graber, the meeting was adjourned at 7:38 PM (local time).

Respectfully Submitted,


Carol R. Hutton
 Town Clerk

A 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 6th day of December 2010 at 6:06 PM, (local time) and there were:

PRESENT: Janis Colarusso	Supervisor
Nan Ackerman	Councilwoman
David M. Kaczor	Councilman
Eugene Majchrzak	Councilman
Edward Graber	Councilman
Leonard Berkowitz	Town Attorney
Andrew Benz	Chief of Police
Carol Hutton	Town Clerk

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

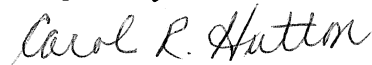
RESOLVED, that the Town Board does hereby call for a Executive Session Meeting, December 6, 2010 at 7:00 p.m. to discuss the following:

- Personnel issues within the Orchard Park Police Department with Chief of Police Andrew Benz.
- The Town Board discussed the 2011 Organizational Meeting Minutes, Boards and Committee List.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Colarusso, seconded by Councilman Majchrzak, to wit: the meeting adjourned at 9:40 PM (local time).

Respectfully Submitted



Carol R. Hutton
Town Clerk

