

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 4th day of December, 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 minutes of the Town Board Meeting held on November 20, 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.

Public Hearing

At this time, Supervisor Colarusso called for the Public Hearing to request a Historic Designation for 3920 N. Freeman Road, as petitioned by Karen and Richard Campanile. It is State and National Registry eligible, and meets one or more of the criteria listed in the Town’s Historic Preservation Ordinance.

Councilmember Kaczor read a letter from the Chairman of the Historic Preservation Board, Norman Stoj, asking for the Town Board to approve this request from the Historic Preservation Board.

Supervisor Colarusso asked if any one would like to speak.

No one spoke.

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 Historic Designation for 3920 N. Freeman Rd., as requested by Richard and Karen Campanile, is hereby closed at 7:08.

The resolution was unanimously adopted.

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 approve a "Historic Landmark Designation" for the property located at 3920 North Freeman Road, as petitioned by Richard and Karen Campanile, pursuant to the Orchard Park Town Code, as recommended by the Historic Preservation Board.

The resolution was unanimously adopted.

New Business #1 Appointment of Provisional Position of Real Property Appraiser

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

WHEREAS, the Town Board appointed Stephen R. Pigeon of 6551 E. Quaker Street Unit D1, Orchard Park, New York to the position of part time Real Property Appraiser on July 11, 2012, and

WHEREAS, the Town Board on June 10, 2013 extended Stephen R. Pigeon's hours to full time seasonal to accommodate a staff shortage until December 31, 2013, and

WHEREAS, funds have been allocated in the 2014 budget for a full time Real Property Appraiser.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint Stephen R. Pigeon to Full Time Real Property Appraiser, Range 0009, "1st yr" starting at \$21.16 per hour pending six (6) month probation and All Civil Service requirements effective January 1, 2014, as recommended by the Town Assessor.

The resolution was unanimously adopted.

New Business #2 Supervisor to sign Erie Co. Inter-Municipal Highway Shared Services Agreement

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 authorize the Supervisor to sign the Town Highway Superintendents Association of Erie County Inter-Municipal Highway Shared Services Agreement.

The resolution was unanimously adopted.

New Business #3 Award Bid for Timberlake Drive Waterline Replacement Project

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

WHEREAS, bids were opened for the Timberlake Drive Waterline Replacement Project on December 3, 2013 at 11:00 AM. The project scope of work involves the installation of approximately 3,772 linear feet of 8-inch water main and appurtenances on Timberlake Drive between Jewett Holmwood and Briar Hill Road, and

WHEREAS, the Town of Orchard Park Engineering Department has reviewed the itemized prices of the ten (10) contractors who submitted bids. Two mathematical errors were discovered which did not involve the two lowest bidders or the ranking of the bidders. Sergi Construction was the lowest responsible bidder with a base bid of \$414,808.45 that was below the Engineer's estimate of \$550,000 for the project, and

WHEREAS, Sergi Construction has successfully completed water main projects for the Town of Orchard Park and for various local government agencies including the Jewett Holmwood Waterline Replacement constructed in 2011. Sergi Construction has been found to have the qualifications and experience to perform this work adequately. Sergi Construction has been in business since 1993, and

WHEREAS, there is presently \$1,524,541.28 plus interest allocated under Capital Project H-48 "District Wide Water Improvements" for this and other projects, and H-48.8389.0459 has been setup for Timberlake Waterline replacement project.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby award the Contract for the Timberlake Waterline Replacement Project to the lowest responsible bidder, Sergi Construction Inc., 775 Jewett Holmwood Road, East Aurora, New York 14052 in the amount of \$414,808.45.

The resolution was unanimously adopted.

New Business #4 Adopt Traffic Order to Post Stop Signs

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 Riley Meadows Subdivision Phase 1 P.I.P. #2012-03, and

WHEREAS, upon dedication of Riley Meadows Subdivision Phase 1, they recommend that the Town Board adopt the following traffic orders.

NOW, THEREFORE, be it,

RESOLVED, with dedication of Riley Meadows Subdivision Phase 1, the Town Board does hereby authorize the following traffic orders:

- Authorize the posting of a **STOP SIGN** on Riley Meadow at the intersection of Murphy Road
- Authorize the posting of a **STOP SIGN** on Golden Oak Lane at the intersection of Riley Meadow

The resolution was unanimously adopted.

New Business #5 Authorize Attendance to New York Surveyors Conference & Exhibition

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

WHEREAS, the New York State Association of professional Land Surveyors, Inc. (NYSAPLS) is a professional organization dedicated to the advancement of knowledge, and the professional growth of the men and women of the land surveying profession. This annual conference provides an opportunity for members and other professionals to get updates on regulations, network, and exchange ideas while acquiring updated knowledge and tools to promote sound surveying practices throughout New York State, and

WHEREAS, this year, the NYSAPLS Annual Conference will be held from Wednesday January 22nd to Friday January 24th in Rochester, New York. This Conference is a valuable industry recognized source of information and also provides Kenneth W. Partridge P.L.S. the necessary continuing education credits to maintain his L.S. license. He will be responsible for his own time to travel to and from the course. The cost is \$550.00/ member for attendance. Funding has been allocated in the 2013 budget for training.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize Kenneth W. Partridge P.L.S of the Engineering Department to attend the NYSAPLS Annual Conference on January 22nd to January 24th, 2014 in Rochester, New York, for a total amount not to exceed \$550.00.

The resolution was unanimously adopted.

New Business #6 Authorize Supervisor to sign Agreement with Delmar Electric Corporation

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

WHEREAS, in order to prevent electrical supply and pump issues that have occurred with other pump stations installations, we are recommending using an electrical consultant to review and inspect the electrical installation and supply portion of the pump station. With the subdivision construction work well underway, the submittals for the sewage pump station must be reviewed and approved so the parts and pumps can be ordered and installed. As in the past, the Town of Orchard Park will directly contract the professional specialty inspection portion for the Knoche Farm Estates Subdivision, and

WHEREAS, the Town Engineer has solicited services from a local consultant Delmar Electric Construction Corp., who has been involved with the past existing pump station electrical supply problems and is qualified and capable to complete this work in the necessary time frame, and

WHEREAS, the subdivision contractor is required to submit to the Engineering Department for all sewerage systems the project data sheets for technical review and approval. As each pump station design is unique including the site layout, pump configuration, electrical requirements and controls a technical review is required. Delmar Electric has performed consulting and repair services on our existing stations and their experience has proved to be invaluable in trouble shooting our current systems, and

WHEREAS, the work would include a full technical review of the submittals and inspection services when the pump station is installed. Delmar Electric has agreed to perform these services at an hourly rate of \$85.00. The estimated maximum time necessary to complete the work is 10 hours.

NOW, THEREFORE, be it

RESOLVED, that the Town Board authorize the Supervisor to sign an agreement with Delmar Electric Construction Corp., 21 Cooper Avenue, Tonawanda, New York 14150, to provide professional technical review and inspection for the pump station electrical supply and installations at Knoche Farm Estates in an amount not to exceed \$850.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #7 Part Time Appointments to the Recreation Department

10) 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 appoint the following for appointment to the 2013 -204 Fall Winter Spring Seasonal part time staff of the Town of Orchard Park Recreation Department.

<u>Name</u>	<u>Address</u>	<u>Rate</u>	<u>Position(Title*)</u>
Claire Dunwoodie	87 Sibley Dr.	\$8.50	PTE-1 (ATT)
Kristina Raecher	8430 Boston State Rd.	\$9.00	PT2-B (ATT)
Anna Ryan	7919 Ellicott Rd.	\$8.50	PTE-1 (ATT)
Caitlin Sion	36 Ashley Dr.	\$8.50	PTE-1 (LG)
Anna Swetz	6869 Scherff Rd.	\$8.50	PTE-1 (LG)

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

The resolution was unanimously adopted.

New Business #8 Schedule a Public Hearing for Historic Designation

11) 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 for Thursday, January 2, 2014 at the Municipal Center, S4295 South Buffalo Street, Orchard Park, NY 14127, to request a Historic Designation for 5030 Newton Road, as petitioned by Holly and Norman Stoj. It is State and National Registry eligible and meets one or more of the criteria listed in the Town’s Historic Preservation Ordinance, as requested by the Historic Preservation Board.

The resolution was unanimously adopted.

New Business #9 Authorize a New Capital Project & Transfer Monies

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

WHEREAS, the Town wishes to improve the infrastructure of security on Town properties facilities, and

WHEREAS, the Town wishes to proceed with such improvements, and

WHEREAS, funding for this capital need is available in the Town’s General Capital Reserve account

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the establishment of a capital project entitled Town Infrastructure Security (project H92), and be it further

RESOLVED, that the Town Board does hereby authorize a transfer of \$20,325.00 from the General Capital Reserve (project H27) to the above referenced project.

The resolution was unanimously adopted.

Refer to Planning Board and Conservation Board

13) 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 refer the following to the Planning & Conservation Boards:

Miranda Holdings request to construct a 4,000-sq.ft Tim Horton’s Restaurant with a drive-thru and retail space at 4956/4968 Chestnut Ridge Road. This is a 0.94-acre site, Vacant Land, located at the northwest corner of Chestnut Ridge and Armor Duells Roads, Zoned B-2.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Dave Schuster – He stated that the budget officer’s stipend doesn’t seem to be based on anything definitive. He felt that the budget officer’s title and stipend should be eliminated and incorporated into the duties and salary of the Supervisor position.

Howie Holmes – He stated that he agreed with the abolition of stipends.

ELECTED OFFICIALS & DEPARTMENT HEADS

Supervisor Colarusso – She stated that the Town Board would hold a Special Work Session at 5:30 pm on December 11, 2013 with Sean Beiter and interviews for the Building Inspector’s Department.

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:

Parks Department

- \$530.00 From: A7110.0477 Parks Contracted Mowing
To: A7110.0217 Parks – Tennis Court
- \$959.00 From: A7110.0477 Parks Contracted Mowing
To: A7110.0400 Milestrip Field Supplies
- \$952.00 From: A7110.0477 Parks Contracted Mowing
To: A7110.0402 Parks – Supplies
- \$240.00 From: A7110.0423 Parks – Contracted Mowing

	To:	A7110.0423 Parks – Water
\$446.00	From:	A7110.0423 Parks Contracted Mowing
	To:	A7110.0443 Parks – Vehicle Repair
\$427.00	From:	A7110.0423 Parks Contracted Mowing
	To:	A7110.0446 Parks – Small Equip Repair
\$756.00	From:	A7110.0423 Parks Contracted Mowing
	To:	A7110.0421 Parks – Electric
\$1,500.00	From:	A8540.0449 Drainage WNY Coalition Fee
	To:	A8540.0471 Forestry Tree & Stump Removal

To balance accounts within the 2 % Budget Cap.

Recreation:

	From:	A7020.200	\$ 268.00
	To:	A7020.428	\$ 80.00
		A7020.478	\$ 188.00
	From:	A7020.200	\$ 188.00
		A7020.402	\$ 985.00
		A7020.419	\$ 65.00
		A7020.450	\$1,657.00
		A7020.459	\$1,198.00
		A7020.480	\$ 501.00
	To:	A7020.433	\$4,594.00

The resolution was unanimously adopted.

Councilmember Kaczor – He explained that stipends are commonplace in towns and municipalities. In regard to the Supervisor and budget officer, the Town Board would determine the amount of the stipend based on experience and involvement in the process. There are many facets to stipends than what is perceived. He reminded the residents about the weekend holiday activities taking place in the Town.

Councilmember Majchrzak – He stated that the Town Board can't adjust the salary of an elected official, but a stipend can be used to allow for the experience of the individual.

Chief Pacholec – He reported on the reduction of the speed limit on Rte. 277 Chestnut Ridge Road from Chestnut Ridge south to Gartman Road from 55 mph to 45 mph. Chief Pacholec stated that there would be a Holly Jolly Run on Saturday, December 7th and parts of Taylor Road would be closed.

Highway Superintendent Piasecki – He stated that leaf pickup is still ongoing. He informed the residents of the street closing hours for snowplowing. Highway Superintendent Piasecki stated that the Orchard Park Garden Club will be placing a wreath at the Veterans Park in the Village in honor of Pearl Harbor Day on Saturday.

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 #23 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$500,135.73
Public Safety Fund	\$958072.59
Part Town Fund	\$63,052.45
Risk Retention	0.00
Cemetery Fund	0.00
Highway Fund	\$366,338.28
Special Districts	\$168,546.17
Trust & Agency	\$6,309.56
Capital Fund	\$4,310.53

The resolution was unanimously adopted.

16) 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

- Erie County Legislator John Mills has posted the following dates for H.E.A.P outreaches; December 19, 2013 Concord Town Hall 9 am - 4 pm and February 4, 2014 Evans Town Hall 9 am – 4 pm. HEAP applications are available from Peggy France, Social Services 858-2634.

Reports

- Building Inspector’s Monthly Report for November 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 7:31 pm (local time).

Respectfully Submitted,



Carol R. Hutton
Town Clerk