

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 18th 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."

Proclamations

Erie County Legislator John Mills, Dist. 11, and New York State Assemblyman Mickey Kearns, Dist. 142 read proclamations honoring and thanking Supervisor Janis Colarusso, and Councilmember David Kaczor for their years of service to the Town of Orchard Park and their many accomplishments during their time of service. Supervisor Colarusso has served the Town of Orchard Park for twenty years, sixteen years as Town Clerk and four years as Supervisor. Councilmember Kaczor has served the Town as a member of the Planning Board and as Councilman for twelve years.

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 December 4, 2013, are hereby approved and the Executive Session Meetings held on October 16, 23, November 6, 13, 20, and December 4, & 11, 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.

Old Business #1 Requesting Extension to Site Plan Approval

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

WHEREAS, the Town Board on 4/18/12 authorized a Building Permit and granted a Site Plan Approval for Ray Laks Honda on Mid County Drive for the Plan received 4/10/12 to construct a maximum of two-structures, for a total of 28,000-sq.ft., and

WHEREAS, due to financial and economic circumstances they have not been able to proceed with their plans,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the request from Ray Lakes Honda, Inc. for an extension to the Site Plan Approval for another year, 12/17/14, as recommended by the Planning Board.

The resolution was unanimously adopted.

New Business #1 Set Date for Organizational Meeting

3) 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 authorize the 2014 Organizational Meeting and 1st Regular Meeting of the year, to be Thursday, January 2, 2014, at 7:00 pm with the regular meeting to immediately follow. Town Board Work Session will begin at 6:00 pm in the Supervisor's Conference room.

The resolution was unanimously adopted.

New Business #2 Authorization of New FSA "Use-It-Or-Lose-It" Provision

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

WHEREAS, On October 31, 2013, the U.S. Department of the Treasury and the IRS issued a notice regarding a policy change related to health Flexible Spending Accounts (FSAs). The policy change affects the "use-it-or-lose-it" provision and now allows a limited rollover of FSA funds, and

WHEREAS, as a result of this policy change, employers offering health FSA programs that do not include a grace period will have the option of allowing employees to roll over up to \$500 of unused funds at the end of current 2013 plan year, and

WHEREAS, in addition effective in plan year 2014 employers currently offering a grace period will have the option of allowing participants to roll over up to \$500 of unused funds at the end of the plan year.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby allow clients to have an option for this rollover and must amend their plan documents to include a rollover amount (NO document amendment fee will be charged to the client). We will adopt this provision to allow rollover: Effective immediately (allowing for 2013 rollover).

The resolution was unanimously adopted.

New Business #3 Adoption of the Employees Time Keeping Policy

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

WHEREAS, the Town of Orchard Park wishes to adopt the Town's Time Keeping Policy for the purpose of

- Effecting compliance with New York State & Federal Law.
- To advance the use of technology to reduce errors and increase efficiency and accuracy in employee payroll and

- To ensure that all hours worked by Town employees is recorded and that all employees are accurately paid for all time worked.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby adopt the KRONOS time keeping policy that was previously submitted to the Town Clerk for the following classification of employees identified in the Orchard Park Policy Manual. Groups 3, 4, 5, 6, 7 & 8. Policies are on file in the Town Clerk's Office.

The resolution was unanimously adopted.

New Business #4 Authorize Attendance to the Newly Elected Officials 2014 Training School

6) 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 authorize Supervisor-elect Patrick Keem and Councilman-elect Michael Sherry to attend "Newly Elected Officials 2014 Training School" sponsored by The Association of Towns of the State of New York. The three day session will take place in Rochester, NY from January 8-10, 2014 at a cost of \$150.00 for each participant, and be it further

RESOLVED, due to the fact two members of the Town Board will be attending the New Elected Official training, the January 8, 2014 Town Board work session at 6:00 pm is hereby cancelled.

The resolution was unanimously adopted.

New Business #5 Authorize Purchase of three (3) Patrol Vehicles

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

WHEREAS, new legislation known as the "Piggybacking" Law was adopted, whereby New York State which authorize political subdivisions to purchase equipment and through the use of contracts let by the United States of any agency thereof, any state or other political subdivision or district therein, and

WHEREAS, Genesee County awarded Delacy Ford of Elma, NY the contract to purchase 2013 Law Enforcement Pursuit Rated SUV's Style vehicles for the Genesee County Sheriff's office as quoted on Bid 2013-01, and

WHEREAS, Genesee County reserves the right to allow all municipal and not for profit organizations to purchase any goods and/or services awarded as a result of this bid in accordance with the latest amendments to NYS law

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Chief of Police to order 3 patrol vehicles from Delacy Ford. These vehicles will be part of the 2014 Budget and will not exceed \$28,986 per vehicle.

The resolution was unanimously adopted.

New Business #6 Approve Appointment to the Building Inspector's Office

8) 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 appoint Thomas Minor, 34 Penhurst Street, Orchard Park, NY to open Civil Service position (Code Enforcement Officer) in the Building Inspector's Office. Full Time, Step 1st yr. \$18.34/hr rate, range 8, effective date 1/1/2014.

Councilmember Kaczor stated Mr. Minor was the top scorer on the local Civil Service List. He has experience in managing, running a business, contracting, electrical, plumbing and residential construction.

The resolution was unanimously adopted.

Refer to Conservation & Planning Boards

9) 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 refer the following to the Planning & Conservation Boards: QC Properties, LLC, Falcon Properties & Quaker Crossing LLC, request to rezone property located on Amanda Lane, at the north east side of the intersection of Amanda Lane and Amelia Drive from I-1 (Industrial) to B-1 (Commercial) (SBL#'s 152.18-1-1, 152.13-3-19.2 & 152.13-3-23.11)

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Barbara Little – Ms. Little has been coming to the Town Board since the spring about the staffing in the Building Inspector's Office, specifically in regard to David Jensen being cut back to part-time status. She had been told he would be reinstated in January 2014, but has found out that is not the case. She approached a Town Board member regarding this, as Mr. Jensen has conducted more fire inspections than anyone else in that department. She was asked why she was making such a big deal about it and what did she have at stake and that he did not have to answer her questions. That is not how a responsible member of the Town Board should act.

Henry Heppner – Mr. Heppner wanted to thank the outgoing Town Board members for their service. He thanked Councilmember Kaczor for his membership in the Recreation Commission and Supervisor Colarusso for being a good role model for his daughters.

Patrick Keem – Supervisor "Elect" wanted to thank Supervisor Colarusso and Councilmember Kaczor for their years of service and for all the help they have given him in the transition to Supervisor. He looks forward to being Supervisor and serving the Town with Councilmember "Elect" Michael Sherry and Councilmember Majchrzak.

Jackie Briggs – Ms. Briggs thanked Janis for all the help she has given the Senior Council in their efforts to get a new Senior Center in Orchard Park.

Hal Fabinsky – Mr. Fabinsky expressed his appreciation to Supervisor Colarusso and Councilmember Kaczor for all they have done. He stated that this Town Board was downsized and had to step up and keep things moving smoothly.

Nick Taneff – Mr. Taneff thanked Supervisor Colarusso and Councilmember Kaczor for their service and wished them good luck.

Howie Holmes – Mr Holmes thanked Supervisor Colarusso and Councilmember Kaczor for their dedication to the Town. He stated that a scheduled New Year’s Eve Ball Drop will be held in the Village. North Buffalo Road is going to be closed from the four corners north and there are many events planned and restaurants will all be open.

Michael Sherry – Mr. Sherry discussed the different attributes Supervisor Colarusso and Councilmember Kaczor brought to their positions on the Town Board and their service to the Town of Orchard Park. He thanked them for their service.

ELECTED OFFICIALS & DEPARTMENT HEADS

Councilmember Kaczor – wanted to thank his wife Jackie and his daughter Lauren, who gave up so much while he was a Councilman. He feels that he brought good ideas and new visions for the Town, addressed certain economic conditions, and helped develop the Recreation Dept. from a part-time operation to a full time one that offers so many options to our Town’s youth. He wanted to thank all the people who made it happen. He also thanked all the department heads, and committee members who have helped to accomplish the many different improvements in the Town, and helped to hold the taxes down. Councilman Kaczor said he is going to miss everyone and how appreciative he is to the taxpayers who elected him to the Town Board. Merry Christmas and Happy Holidays.

Town Clerk Carol Hutton- congratulated Supervisor Colarusso and Councilmember Kaczor, wished everyone a Merry Christmas

Town Attorney John Bailey – thanked the Town Board for appointing him as Town Attorney, and said that he has enjoyed the time he has spent with Supervisor Colarusso and Councilman Kaczor.

Building Inspector Andy Geist – wished Supervisor Colarusso and Councilman Kaczor the best, and wanted to remind the residents that have sidewalks in front of them that they have an obligation to keep them cleared.

Chief Pacholec – stated that North Buffalo St. will be closed from 10:00pm to 1:00am on New Years Eve, from the four corners north for two blocks. He wanted to remind everyone to keep speed reasonable with the winter weather. On behalf of the Orchard Park Police Department he wanted to thank Supervisor Colarusso and Councilmember Kaczor for their many years of service and dedication. The Town Board support of the police department has enabled them to bring many updates to the equipment, procedures and staff. He stated that Supervisor Colarusso’s support of their program to assist emotionally disturbed person has been integral to their efforts to deal with this growing issue. Councilmember Kaczor’s support of the patrol operations has been crucial to their goal of reducing accidents and drunk driving. He thanked them for their support and wished them well in the future.

Highway Superintendent Piasecki – said Snow Plowing is the word, and will continue. The Town has received it’s first check from the County for snow plowing. He thanked Supervisor Colarusso and Councilman Kaczor for all their support for the highway and it has been a pleasure working with them.

Town Engineer Wayne Bieler – congratulated Supervisor Colarusso and Councilman Kaczor and wished them well.

11) 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 #24 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$33,123.49
Public Safety Fund	\$32,539.18
Part Town Fund	\$3,391.27
Risk Retention	0.00
Cemetery Fund	0.00
Highway Fund	\$12,872.68
Special Districts	\$47,893.49
Trust & Agency	\$2,254.08
Capital Fund	\$443,050.27

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:

Reports

- Chief of Police Monthly Report for November 2013.

The resolution was unanimously adopted.

Supervisor Colarusso- stated that she was so grateful for the opportunity to serve the Town of Orchard Park as Supervisor and Town Clerk. She wanted to express her appreciation to the Board Members, current and previous, who helped her along her path. She stated that she was proud to be a part of the first three member Town Board, and feels they did a good job. She thanked the Town Clerk, Town Attorney, Building Inspector, Chief of Police, Highway Superintendent, and Town Engineer for the support they gave her. She stated to her seniors, she was sorry the senior center did not happen during her term. But, the ground work has been started with the organization of the 501c3 foundation being formed. Keep up the good work you are doing. To her Democratic party leaders, current and from long ago, she thanked them for believing in her. To her family, friends, employees and residents of this Town, she wanted to thank everyone for giving her the opportunity to serve as an elected official, especially her family. She said that she truly loved working for the Town of Orchard Park.

There being no further business, on a motion by Supervisor Colarusso, seconded by Councilmember Kaczor, the meeting adjourned at 8:11 pm (local time).

Respectfully Submitted,

Carol R. Hutton
Town Clerk