

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 23rd day of March 2011 at 7:00 PM, the meeting was called to order by the Supervisor and there were:

<b>PRESENT AT ROLL CALL:</b>	Janis Colarusso	Supervisor
	Nancy Ackerman	Councilmember
	David Kaczor	Councilmember
	Edward Graber	Councilmember
	Eugene Majchrzak	Councilmember
	Carol Hutton	Town Clerk
	Leonard Berkowitz	Town Attorney
	Andrew Geist	Building Inspector
	Frederick Piasecki, Jr.	Highway Superintendent
	Wayne Bieler	Town Engineer
	Andrew Benz	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 ACKERMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER KACZOR, TO WIT:**

**RESOLVED**, that the Regular Town Board Meeting held on February 23, 2011, the Special Session Meetings held on March 2 & 9, 2011 and an Executive Meeting held on March 16, 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.**

Supervisor Colarusso stated at this time that there was an item regarding the property on Route 20A and Route 219 for the DR designation, which was listed on the agenda posted on the Town website. The item was removed from the agenda and Supervisor Colarusso apologized to the residents who came for the Public Hearing this evening. Councilmember Ackerman explained that the intent of the Town Board is not to rezone that property at this time and that is why it was taken off the agenda. Councilmember Ackerman stated that when and if it is ever considered for rezoning in the future, the residents would be notified.

### **PUBLIC HEARING**

At 7:05 PM (local time) the Supervisor called for the Public Hearing to hear all interested parties for or against the proposed Local Law for the Year 2011 titled "*Amendments to the Town Code of Ordinances*". This is a continuance from the Town Board Public Hearing held on February 23, 2011.

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 proposed Local Law for the Year 2011 – *Amendments to the Town Code of Ordinances*.

No one spoke.

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

**RESOLVED**, that the Public Hearing in the matter of *Amendments to the Town Code of Ordinances* is hereby closed at 7:07 PM (local time).

**The resolution was unanimously adopted.**

Councilmember Ackerman stated that she and Town Attorney Berkowitz would further review the Amendments for any errors before the next meeting.

### **PUBLIC HEARING**

At 7:08 PM (local time) the Supervisor called for the Public Hearing to hear all interested parties for or against the proposed "Meadow Wood Townhouses" to rezone property. Walter Schmidt, 14.34-acres +/- Vacant Land, east side of California Road, south of Big Tree Road, Zoned R-3 (SBL#172.00-1-22, requested Special Exception Use Permit for R-3 to R-3 Special Exception use to construct a forty-eight (48) unit townhouse project.

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 proposed "Meadow Wood Townhouses" to rezone property.

No one spoke.

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

**RESOLVED**, that the Public Hearing in the matter of the request to rezoning Vacant Land, east side of California Road, south of Big Tree Road, Zoned R-3 to to R-3 Special Exception is hereby closed at 7:10 PM (local time).

**The resolution was unanimously adopted.**

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

**WHEREAS**, Walter Schmidt had previously obtained the rezoning of vacant land on California Road from R-3 to R-3 with Special Exception Use, and

**WHEREAS**, the approval for the rezoning has expired on 1/2/11 and Mr. Schmidt has reapplied for the Special Exception Use

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby approve the reapplication of Walter Schmidt to rezone 14.34 acres± of vacant land on the east side of California Road, south of Big Tree Road, Zoned R-3

(SBL#172.00-1-22), to R-3 with Special Exception Use Permit to construct a forty eight (48) unit townhouse project, with the following stipulations:

1. This is a Type 1 SEQR action based on the submitted Full EAF Parts 1, 2 and a Negative Declaration is made.
2. Fees shall be paid in accordance with §144-70C of the Town Code prior to publication of the Public Hearing Notice.
3. The recommendation is contingent upon the applicant completing the project as proposed on the development plans dated 01/21/2011 and shall revert to its original Zoning classification if the project is not completed per §144-67 of the Town Code.
4. The proposed project is in compliance with the town's long range comprehensive plan.
5. The applicant has demonstrated a need for the project.
6. 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.
7. The applicant has demonstrated an orderly flow of traffic ingress and egress.
8. The applicant has provided suitable parking facilities.
9. Landscaping as indicated on the proposed plan will provide adequate screening.
10. Free area for recreation is not required.
11. The nearness and impact on schools and utilities is not an issue.
12. The health and safety of adjacent properties is not affected.

**The resolution was unanimously adopted.**

Councilmember Ackerman stated that the Town Board would request the petitioner be directed to install a fence to deter illegal dumping of materials.

**Old Business #1 Schedule Public Hearing to Rezone property on California Rd.**

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

**WHEREAS**, the Town Board did schedule a Public Hearing for Bryan Young, Young Development, an application to rezone property on California Rd from R-4 to R-4 with a Senior Residential designation for March 23, 2011, and

**WHEREAS**, Young Development was unable to provide the metes and bounds in time for the Public Hearing

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby reschedule the Public Hearing for Bryan Young, Young Development, request to rezone vacant land located on the west side of California Rd ( SBL# 161.18-1-13) from R-4 to R-4 with a Senior Residential designation, for April 27, 2011.

**The resolution was unanimously adopted.**

**Old Business #2 Authorize a Building Permit for McGard, 3875 California Road**

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

**WHEREAS**, McGard, 3875 California Road, has requested a Building Permit for a 25,000 sq. ft addition to the existing building located on the east side of California Road, south of Southwestern Blvd., Zoned I-1, and

**NOW THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize a Building Permit for McGard, 3875 California Rd. for a 25,000-sq. ft. addition to the existing building with site improvements that includes a parking lot with 92-spaces and 26-future spaces, and does approve the Site Plan received 3/8/11, as recommended by the Planning Board, based on the following conditions and stipulations:

1. This is an Unlisted SEQR action based on the submitted Long EAF, Parts One and Two and a Negative Declaration is made.
2. The site lighting is limited to those fixtures and poles indicated on the approved Site Plan. Light fixtures shall have flat lens.
3. No outside storage or display is permitted.
4. Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with §144-25 of the Town Code.
5. Planning Board approval is contingent upon receiving Town Engineering Approval. Town Engineering approval is required, prior to receiving Town Board approval.
6. This project is scheduled to be reviewed by the Conservation Board at their April 5, 2011 meeting and prior to the receipt of a Building Permit the applicant will abide by the terms that are set forth at that meeting. This includes providing a three-year landscape completion bond for the landscape plan received 3/8/11. The total green space is to be noted as 62%.

**The resolution was unanimously adopted.**

**New Business #1 Accept Resignation for Ethics Committee**

7) 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 accept, with regret, the resignation of Angela Z. Miller from the Ethics Committee, effective immediately.

**The resolution was unanimously adopted.**

**New Business #2 Approve request to attend Animal Control Seminar**

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

**RESOLVED**, that the Town Board hereby authorize Assistant DCO, Wende Mulawka, to attend a 2 day Animal Control Seminar April 12-13, 2011 in Webster, NY and be it further

**RESOLVED**, that the total cost is \$55.00 + approx. \$160.00 mileage for this training event as requested by Chief of Police Andrew Benz.

**The resolution was unanimously adopted.**

**New Business #3 Authorize Town Clerk to attend 2011 Town Clerks Conference**

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

**RESOLVED**, the Town Board does hereby authorize Carol Hutton, Town Clerk, to attend the 2011 New York State Town Clerks Association Conference May 1st through May 4th, 2011 in Buffalo, New York, with the cost of \$160.00 for registration plus mileage.

**The resolution was unanimously adopted.**

**New Business #4 Establish Employees Safety Committee**

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

**WHEREAS**, the Town Board does wish to establish a new committee called the Employees Safety Committee and

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby establish the Employees Safety Committee, and be it further

**RESOLVED**, the committee will consist of Andrew Geist, Building Inspector; Tom Ostrander, Asst. Town Engineer; Marie Carruthers, Deputy Town Clerk, Brigid Lavelle, Court Clerk and Bob Benning, Maintenance Department with the terms to expire December 31, 2011 and be it further

**RESOLVED**, that Andy Geist will be Chairperson, and Brigid Lavelle secretary, with all appointments to be made yearly at the Town Board Organizational Meetings.

**The resolution was unanimously adopted.**

Supervisor Colarusso stated that she believed it was important for the employees to be informed on safety procedures. Councilwoman Ackerman stated that the Insurance provider reported the Town's good record, which translates into cost savings.

**New Business #5 Authorize an Executive Session**

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 rescind the cancellation as listed on the agenda and hold the regular Town Board Work Session for Wednesday, March 30, 2011 at 6:00 p.m., and be it further

**RESOLVED**, that the Town Board does hereby schedule an Executive Session for the Town Board Work Session for Wednesday, April 6, 2011, beginning at 5:20 p.m. to interview candidates for the Ethics Board with the regular Town Board Work Session to follow at 6:00 p.m., and be it further

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

**The resolution was unanimously adopted.**

**New Business #6 Oppose Cuts & Elimination for Community Development Block Grant Program**

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

**WHEREAS**, for many years the funding from the Community Development Block Grant (CDBG) Program has supported many projects throughout the Town of Orchard Park, and

**WHEREAS**, the CDBG program is a vital resource to the Community of Orchard Park, providing funding for projects and services, and

**WHEREAS**, the combination of CDBG and other resources throughout Western New York adds to the local economy through the purchase of goods and services and adds to the betterment of the lives of our local citizens through improved neighborhoods and lives, and

**WHEREAS**, any reduction in the CDBG Funding would severely slow down or eliminate thousands of local and state projects and programs that are directly contributing to regional recovery.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board of the Town of Orchard Park does hereby oppose any cuts and elimination in the FY11 or FY12 for the 2011 and 2012 Community Development Block Grant Program, and be it further

**RESOLVED**, that the Town Board of the Town of Orchard Park would like to extend an invitation to you and your staff to tour our CDBG funded projects to see the benefits of the program firsthand.

**The resolution was unanimously adopted.**

**New Business #7 Arbor Day Tree Dedication for 2011**

13) 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 announce the Arbor Day Tree Dedication will be April 29, 2011 at 4:00 p.m. and be it further

**RESOLVED**, that Toni Cudney, the former Orchard Park Supervisor, is to be awarded the Dedication.

**The resolution was unanimously adopted.**

**New Business #8 Appoint Recreation Fall/Winter/Spring 2010-2011 "Seasonal" Staff**

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

**RESOLVED**, that the Town Board does hereby authorize the appointments of the following applicants as requested by Recreation Director Leak, dependent upon the applicants providing the required certifications:

Name	Address	Rate	Position
Adrienne St. Jacques	Orchard Park, NY	\$9.50	PT2-D (Att.)
Zachary Kaus	Buffalo, NY	\$8.50	PT1-E (Att.)
Katie Augustine	Elma, NY	\$8.50	PT1-E(Att)

**The resolution was unanimously adopted.**

**New Business #9 Approve purchase of new 2011 International Truck**

15) 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 approve the purchase of a new 2011 International Truck 7400 SFA 4x2 cab & chassis, equipped with dump body & plow equipment, and be it further

**RESOLVED**, that the cost of this new truck, cab & chassis is \$150,998.35 under NYS Contract, as requested by Fred Piasecki, Superintendent of Highways.

**The resolution was unanimously adopted.**

**New Business #10 Accept Resignation from Board of Assessment Review Board**

16) 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 accept the resignation of Joan Humphrey as Secretary from the Board of Assessment Review Board, and be it further

**RESOLVED**, that the Town Board does hereby appoint Mary Popielinski to fill the vacancy of Secretary to the Board of Assessment Review Board for the year 2011.

**The resolution was unanimously adopted.**

**New Business #11 Authorize Town Engineer & Assist. Municipal Engineer to Attend APWA**

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

**WHEREAS**, the American Public Works Association (APWA) hosts a 2-day conference. This annual conference provides the most comprehensive training available for those involved in Public Works. It is given by leading industry professionals so that those involved in Public Works can be up-to-date on regulatory compliance; state-of-the-art fleet maintenance programs to help you operate an efficient Public Works facility; new technology available to streamline your operations; and a wide variety of general subjects to provide you with the tools needed to efficiently, and effectively, function in today's changing world, and

**WHEREAS**, the APWA Conference begins on Thursday, March 24<sup>th</sup>, with three (3) concurrent Breakout Sessions allowing you the opportunity to attend the subject that best suits your needs from Stormwater Regulatory updates, Fleet Maintenance issues, and the General Series providing a wide range of subjects. On Friday, March 25<sup>th</sup>, the Conference continues for a half day of two (2) concurrent breakout sessions covering additional Stormwater Regulatory Updates, and a special New Technology Series to introduce what is new and exciting.

**WHEREAS**, the APWA 2-day conference is a valuable industry-recognized source of training, which is strongly recommended by those in the field of Public Works and Civil Engineering in general. The cost is \$250/member/\$275 non-member, which includes the conference courses and all meals for both of us. For cost saving measures, we will share a room as we have done in the past; that cost is \$79.

**NOW, THEREFORE, be it,**

**RESOLVED**, that the Town Board does hereby authorize Wayne L. Bieler and Thomas A. Ostrander to attend APWA 2011 Annual Conference to be conducted March 24<sup>th</sup> and 25<sup>th</sup>, 2011 in Geneva, New York in an amount not to exceed \$604.

**The resolution was unanimously adopted.**

**New Business #12 Authorize Town Engineer & Staff to attend 2011 NYSFSMA Conference**

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

**WHEREAS**, the New York State Floodplain and Stormwater Managers Association (NYSFSMA) is a professional organization dedicated to promoting floodplain and stormwater management practices that reduce flood damages and protect water quality. Annually the NYSFSMA hosts a 2-day conference, which provides an opportunity for members and other professionals to get updates on regulations, network, exchange ideas while acquiring updated knowledge and tools to promote sound floodplain and stormwater management throughout New York State.

**WHEREAS**, the NYSFSMA Conference begins on Wednesday, April 27<sup>th</sup>, with a half day of three (3) concurrent Breakout Sessions allowing the opportunity to attend the subject that best suits your needs from Stormwater Management updates, FEMA issues, and Floodplain Management. One Stormwater Management Session will be given by Shohreh Karimipour, P.E. from NYSDEC Albany Office on Green Infrastructure Standards in the New York State Stormwater Management Design Manual. This session will be a valuable source of training, which is needed due to the newly Phase II Stormwater Regulations on mandatory NYSDEC Green Infrastructure Standards as of March 1, 2011. At this session, we will hear directly from the director from NYSDEC Albany Office on how to enforce and design to this newly unfunded mandate. The cost is \$50/attendee, which includes the conference courses and lunch.

**WHEREAS**, on Thursday, April 28<sup>th</sup>, the Conference continues for a full day of three (3) concurrent Breakout Sessions allowing the opportunity to attend the subject that best suits your needs from Stormwater Management, FEMA issues and Risk Assessment, Stormwater Modeling and Technical Mapping, Great Lakes Flood Hazard Mapping and Water Quality and Nonpoint Source Reduction, and the Floodplain Management. The cost is \$120/attendee, which includes the conference courses and lunch.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize Mike Billi, Richard Mrugalski, Thomas A. Ostrander, and Wayne L. Bieler to attend NYSFSMA 2011 Annual Conference Session on Stormwater



Management on April 27, 2011 in Rochester, New York, and that you authorize Bill Fulton, Thomas A. Ostrander and Wayne L. Bieler to attend NYSFSMA 2011 Annual Conference all day session to be conducted April 28, 2011 in Rochester, New York for a total amount not to exceed \$560.

**The resolution was unanimously adopted.**

**New Business #13 Authorize Bid Opening for Orchard Park Library Improvements**

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

**WHEREAS**, our Consultant Architect for the Orchard Park Library Improvements, Advanced Architecture, is finalizing the plans and specifications for the 2011 Orchard Park Library Renovations Project. This project consists of the installation of batt insulation for the main library, various types of insulation to be installed over the offices and two new air conditioning & air handling units for the entire Library. The preliminary engineer's estimate is \$250,000.00 and within the amount allocated for this project.

**WHEREAS**, in order to stay on the project schedule, the Advertisement for Bids should be published on March 28, 2011, plans will be available for purchase on March 31, 2011 and the bid opening scheduled on April 19, 2011. Although the grant deadline is June 30<sup>th</sup>, 2011, the Town has requested an extension, and the Town typically is better off if bids are early in the year.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby accept the plans and specifications for the proposed 2011 Orchard Park Library Renovations Project as prepared by Advanced Architecture, authorize advertisements in the Orchard Park Bee Publication, and The Buffalo News for sealed bids to be opened at 2:00 P.M. on April 19, 2011 in the Engineer's Conference Room at the Orchard Park Municipal Center, and authorize the Town Engineer to adjust bid opening dates and times if necessary.

**The resolution was unanimously adopted.**

**New Business #14 Authorize Supervisor to Sign Aqua Tech Environmental, Inc. Agreement**

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

**WHEREAS**, similar to previous years, to complete the algae/plant treatments for various pond/lakes including Green Lake and Birdsong Subdivision Retention Lake it is necessary to hire an environmental consulting firm New York Certified in Aquatic Vegetation and Algae Control.

**WHEREAS**, the Town Engineer solicited services and received a proposal from a local environmental consultant firm Aqua Tech Environmental, Inc., which is qualified and capable to complete lake management work for Green Lake, Birdsong Subdivision Retention Lake and also the stocking of various Town owned lakes/ponds in the necessary time frame.

**WHEREAS**, the environmental services to be provided for the maintenance of Green Lake are proposed as an annual lake maintenance service agreement and will include: NYSDEC Permit Procurement, Aquatic Macrophyte Herbicide Treatment, Algae Herbicide Treatment, Water Quality Analysis, Bathymetric Measurement & Production of Bathymetric Chart, Aeration Assessment and Adjustment,

and Consultation Services. Aqua Tech Environmental, Inc. lump sum cost to provide the above mentioned treatments for 2011 is \$4,200.00.

**WHEREAS**, the services proposed for Birdsong Subdivision Retention Lake are on a per treatment basis and include two (2) Filamentous Algae treatments for \$850.00/ea. Total anticipated cost is \$1,700.00 for the year (attachment #2). Residents would pay 50% of this cost totaling \$850.00.

**WHEREAS**, Dave Adrian of Aqua Tech Environmental, Inc., who has treated Green Lake and Birdsong in the past, must start as soon as possible, the necessary NYSDEC permitting process for Green Lake and Birdsong Subdivision Retention Lake in order to complete treatments this summer.

**WHEREAS**, Mr. Adrian recommends continuing the baitfish stocking (crayfish, fathead minnows, golden shiners), game fish stocking (crappie and yellow perch) and grass carp stocking to aid in weed control. The 2011 proposed stocking cost is \$1,960.00.

**WHEREAS**, the entire projected cost for Town Lake and Pond maintenance, treatment and stocking for calendar year 2011, is not to exceed \$7,900.00 (minus Birdsong Homeowners Association share costs Treatment = \$850.00). The actual final 2011 cost for the Town of Orchard Park will not exceed \$7,050.00. There are presently funds (\$8,000) under Orchard Park Engineering Department "Water Quality Consultants" A.1440.000.448 for this work.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign the application for NYSDEC permits to use a pesticide for the control of aquatic pest for Birdsong Subdivision Retention Lake and Green Lake Aquatic Vegetation and Algae Control projects, and be it further

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign an agreement with Aqua Tech Environmental, Inc., 45 Kent Avenue, Blasdell, New York 14219, for an amount not to exceed \$7,900.00 to provide the following;

- Annual environmental services for Green Lake Maintenance in an amount of \$4,200.00 annually for Algae and Weed Treatments.
- Environmental services for Birdsong Nature Park/Subdivision Retention Lake Maintenance for Algae Treatments.
- Stock fish to specified Town-Owned ponds as per attachment 3.0 & 3.1 Fishery Management Agreement.

**The resolution was unanimously adopted.**

**New Business #15 Authorize "Brush Collection" Bid Opening**

**21) 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 authorize the Highway Superintendent to advertise for bids for "Brush Collection", to be opened on Monday, April 11, 2011 at 11:00 AM in the Supervisor's Conference Room in the Municipal Building.

**The resolution was unanimously adopted.**

**New Business #16 Appoint Seasonal Employee for Parks & Grounds**

22) 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 appointment of Paul Barker to work as seasonal employee for Parks and Grounds at a rate of \$10.00 per hour (PT3), retroactive to March 21, 2011, which is the same rate as last year, as requested by Highway Superintendent Piasecki.

**The resolution was unanimously adopted.**

**New Business #17 Authorize 14<sup>th</sup> annual Thomas R. Gardner Memorial Scholarship Fun Run/Walk**

23) 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 authorize the fourteenth annual Thomas R. Gardner Memorial Scholarship Fun Run/Walk to be held on Saturday morning July 2<sup>nd</sup>, 2011 starting at 10:00 a.m. The race will start and finish at the Recreation Department at Yates Park. All proceeds benefit the Thomas R. Gardner Memorial Scholarship Fund at Orchard Park High School. A Certificate of Liability must be submitted with the Town of Orchard Park as additional insurance.

**The resolution was unanimously adopted.**

**New Business #18 Authorize Our Lady of Sacred Heart Church 5K Run/Walk**

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

**RESOLVED**, that the Town Board does hereby authorize Our Lady of Sacred Heart Church to hold their annual 5K Run/Walk, June 16, 2011 at 6:00 p.m. The race will start and finish at the church parking lot and the Chief of Police will assist with all road safety if need be. A Certificate of Liability must be submitted with the Town of Orchard Park as additional insurance.

**The resolution was unanimously adopted.**

**New Business #19 Amend Town's Purchasing Policy**

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

**WHEREAS**, the Town wishes to reduce the number of purchase orders issued and the administrative time burden when making small dollar purchases, and

**WHEREAS**, the Town has not changed its purchasing policy in over twenty years to increase the dollar threshold by which a purchase may be made by a department head without a purchase order, and

**WHEREAS**, the Town Board believes that increasing the amount for which a purchase order is not needed will assist in relieving departmental administrative burdens while still maintaining internal control,

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby amend the Town's Purchasing Policy to increase the limit by which a purchase may be made by a department head without the use of a purchase order from \$100 to \$250.

**The resolution was unanimously adopted.**

Before Business from the Floor, Councilmember Ackerman discussed the hydrofracking process and stated that she is willing to organize an informational meeting for the public with National Fuel. She stated that it would tentatively be held in May.

### **BUSINESS FROM THE FLOOR**

Sheila Miller – Ms. Miller stated that she is an opponent of hydrofracking and had data she presented. She asked the Town Board to prohibit this practice in the Town.

Louis Boehm – Mr. Boehm asked the Town Board to stand firm on WalMart DEIS.

David Schuster – Mr. Schuster stated that the Town of Wales passed a law against hydrofracking and suggested that the Town of Orchard Park do the same.

Al Szymanski – Mr. Szymanski stated that he is also against hydrofracking.

Nicholas Taneff – Mr. Taneff thanked the Town Board for reviewing the Rosa's bankruptcy law in reference to the signs. Mr. Taneff stated that he hoped that the Town Board would make sure that the property would be maintained in regard to WalMart, since there is so much trash and debris surrounding other businesses. He also asked the Town Engineer about the traffic signal at Lake Avenue.

Tom Miller – Mr. Miller provided data in regard to the chemicals involved in hydrofracking. He asked Councilmember Ackerman if her relationship with National Fuel is a conflict of interest.

### **ELECTED OFFICIALS & DEPARTMENT HEADS**

#### **Budget Transfers**

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

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

#### **Highway Department**

\$18,000.00      From: DA.5110.0472 Highway Stone  
                         To: DA.5142.0402 Snow Supplies

#### **Compost**

\$\$2,325.00      From: 800.8161.0443 Compost – Equip Maintenance  
                         To: 800.8161.0413 Compost - Training

**The resolution was unanimously adopted.**

Councilmember Ackerman responded to Mr. Miller's question of her conflict of interest regarding the meeting with National Fuel on hydrofracking. Councilmember Ackerman stated that she thought he had a valid concern and would not do anything inappropriate and would recuse herself if it came to a vote by the Town Board. Councilmember Ackerman stated that because of her relationship with National Fuel, she would exert her influence to make those people available to the public.

Councilman Kaczor stated that the Town Board has been working for the last four years in regard to the benefits for Town employees, appointed and elected officials. They have reduced benefits in many areas and are still looking to economize as much as possible. This year there is an election for Town Justice and it is a part-time position. Councilmember Kaczor stated that in regard to part-time employees, the Town Board is considering removing the benefit of health insurance. There may be options, such a contributing, but he wanted to state this in advance so it would not be an issue in the fall.

Police Chief Benz stated that three Police Officers have been recertified as car seat technicians and the cost of the training was funded by the group *Safe New York*. He stated that Officer Rizzo would be going to Syracuse, NY on March 30, 2011 to be recertified as a Drug Recognition Expert funded by New York State Department of Motor Vehicles.

Highway Superintendent Piasecki reported on the Annual Compost Site figures for 2010, which were \$113,559.10 with tipping fees of \$6,300.00. He stated that Earth Day is on Friday, April 22, 2011 and the Youth Engaged in Services (Y.E.S.) would be helping to clean up Green Lake/Yates Park on Saturday, April 23, 2011 from 10:00 am to 12:00 pm.

Town Engineer Bieler stated that on April 30, 2011 between 10:00 am to 2:00 pm, there would be a prescription drop off at the Mercy Ambulatory Care (MAC) Center parking lot on Southwestern Boulevard. It is illegal to dispose of unwanted drugs any other ways, due to contamination of the environment. He also stated that in regard to the comment regarding commercial sites and garbage, part of every commercial site that is now approved, due to the MS4 requirements, which is the storm water regulations, there is a maintenance agreement. If the MS4 requirements are not followed, which does include garbage, it does allow the Town the opportunity to enforce legal recourse.

27) 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 #6 which were reviewed and approved.

General Fund	\$109,282.56
Part Town Fund	\$966.49
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$52,858.65
Special Districts	\$161,159.80
Trust & Agency	\$3,280.08
Capital Fund	\$10,680.00

**The resolution was unanimously adopted.**

28) 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:

Communications

- The Rural Transit Service van for residents of Aurora, Elma, Marilla & Wales will be dispatched from the Orchard Park Senior Center, 70 Linwood Avenue, Orchard Park, starting March 15, 2011. They are currently looking for volunteer drivers & dispatchers, please call 662-8378. For any questions please call Suni Vogel Stachura at 578-1584.
- Verizon's FiOS TV Premier Service is raising their rates due to rising costs effective April 1, 2011. Customers subscribed to the Premier package with a monthly rate of \$42.99 will increase to \$52.99, and Premier customers with a monthly rate of \$47.99 will increase to \$57.99. Affected customers will receive written notice by March 2, 2011. Please contact Rich Hillstrom, Franchise Service Manager at 312-260-3220 or email: [richard.d.hillstrom@verizon.com](mailto:richard.d.hillstrom@verizon.com).
- Town of Newstead Town Board passed a Certified Resolution at their regular meeting held on Monday, February 28, 2011 regarding their support of requesting the Erie County Legislature to conduct a study of the representative make-up of the Erie County Water Authority regarding residency status for all Commissioners in their current appointed service area.

29) 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 February, 2011
- 2010 Compost Site Activity Summary

**The resolution was unanimously adopted.**

Councilmember Ackerman thanked Highway Superintendent for the wonderful job they are doing over at the Compost Site. The **Free Mulch Day** will be on Saturday, May 14, 2011 from 8:00 am to 4:00 pm.

There being no further business, on motion by Supervisor Colarusso, seconded by Councilmember Graber, the meeting was adjourned at 8:19 PM (local time).

**Respectfully Submitted,**



**Carol R. Hutton**  
**Town Clerk**