

A Regular Meeting of the Town Board of the Town of Orchard Park, Erie County, New York was at the Municipal Building at Orchard Park, New York on the 16th day of January, 1980 at 8:00 P.M. EST and there were

## PRESENT AT ROLL CALL:

E. B. Woodard	Supervisor
J. J. Diggins	Councilman
R. P. Penny	Councilman
D. J. Mill	Councilman
D. P. Curley	Councilman
Betty K. Reukauf	Town Clerk
R. J. McNamara	Town Attorney
R. W. Sweet	Building Inspector
R. C. Henning	Police Chief
R. A. Geitter	Supt. of Highways
M. R. Merritt	Town Engineer

The meeting was called to order by the Supervisor, and the Pledge of Allegiance was rendered.

APPROVING MINUTES: THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN PENNY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MILL, TO WIT:

RESOLVED that the minutes of the Regular meetings of the Town Board, held on December 19, 1979, January 1, 1980 and January 2, 1980, as presented by the Town Clerk, be and are hereby approved, and be it further

RESOLVED that the reading of these minutes be and is hereby dispensed with as each as each member of the Town Board had previously received copies thereof.

	<u>Aye</u>	<u>Nay</u>
E. B. Woodard	X	
J. J. Diggins	X	
R. P. Penny	X	
D. J. Mill	X	
D. P. Curley	X	

THE RESOLUTION WAS UNANIMOUSLY ADOPTED.

Old Business #1 - Renewal of Stable Permit #1 - 1980, Quaker Lea Stables.

1) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN MILL, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN PENNY, TO WIT:

RESOLVED that the Town Board be and is hereby authorized to approve the renewal of Public Stable Permit #1 - 1980, Quaker Lea Stables, 7895 East Quaker Street with the following stipulations:

1. Keep the Driveway oiled.
2. Control the sound level of any P.A. systems.
3. Notify the Building Inspector of shows to witness conditions.
4. Actively pursue the relocating of shows to a less populous area.

	<u>Aye</u>	<u>Nay</u>
E. B. Woodard	X	
J. J. Diggins	X	
R. P. Penny	X	
D. J. Mill	X	
D. P. Curley	X	

THE RESOLUTION WAS UNANIMOUSLY ADOPTED.

Old Business #2 - Sigma-Con, Red Lobster Restaurant, Bldg. Permit.

2) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN MILL, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN DIGGINS, TO WIT:

RESOLVED that the Town Board be and is hereby authorized to approve the request from Sigma-Con, for a Building Permit for a Red Lobster Restaurant at Orchard Park & Weiss Road as recommended by the Planning Board 1/9/80 subject to the approval of the New York State D.O.T.

	<u>Aye</u>	<u>Nay</u>
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E. B. Woodard	X	
J. J. Diggins	X	
R. P. Penny	X	
D. J. Mill	X	
D. P. Curley	X	

THE RESOLUTION WAS UNANIMOUSLY ADOPTED.

Old Business #3 -E. Rider, 3915 N. Buffalo Rd. Change in Use to Business & Residence.

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

RESOLVED that the Town Board be and is hereby authorized to approve the request of Edward Rider, 3915 N. Buffalo Road for a Change in Use from Residence to Business & Residence in a B-2 zone as recommended by the Planning Board 1/9/80.

	<u>Aye</u>	<u>Nay</u>
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E. B. Woodard	X	
J. J. Diggins	X	
R. P. Penny	X	
D. J. Mill	X	
D. P. Curley	X	

THE RESOLUTION WAS UNANIMOUSLY ADOPTED.

Old Business #4 - Frazer Harlake, 145 Mid County Dr., Change of site & landscape plans.

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

RESOLVED that the Town Board be and is hereby authorized to approve the request of Frazer Harlake, 145 Mid County Drive re: Change of site and landscape plans as recommended by the Planning Board 1/9/80.

	<u>Aye</u>	<u>Nay</u>
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E. B. Woodard	X	
J. J. Diggins	X	
R. P. Penny	X	
D. J. Mill	X	
D. P. Curley	X	

THE RESOLUTION WAS UNANIMOUSLY ADOPTED.

Old Business #5 - Hillsboro Subdivision off S. Freeman Rd.

This matter was tabled by Supervisor Woodard.

Old Business #6 - Parker Price, Vacant land on California Rd. Bldg. Permit.

5) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN DIGGINS, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN PENNY, TO WIT:

RESOLVED that the Town Board be and is hereby authorized to approve the request of Parker Price for a Building Permit for first building in proposed complex on vacant land on California Road as recommended by the Planning Board 1/9/80.

	<u>Aye</u>	<u>Nay</u>
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E. B. Woodard	X	
J. J. Diggins	X	
R. P. Penny	X	
D. J. Mill	X	
D. P. Curley	X	

THE RESOLUTION WAS UNANIMOUSLY ADOPTED.

Old Business #7 - (not on Agenda) R. Gaudet, 3040 Southwestern Blvd. "as built" Trailer.

6) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN MILL, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN PENNY, WHO MOVED ITS ADOPTION, TO WIT:

WHEREAS the Town Board did make an "on site" review of the mobile trailer to be used as a Recreational Vehicle Sales Office at 3040 Southwestern Blvd

now, therefore, be it

RESOLVED that the Town Board be and is hereby authorized to approve the request of Ron Gaudet, 3040 Southwestern Blvd. to use a "as built" Mobile Trailer as a Recreational Vehicle Sales Office for a period of two (2) years and subject to the conditions of original approval by the Planning Board 4/25/79.

	<u>Aye</u>	<u>Nay</u>
E. B. Woodard	X	
J. J. Diggins	X	
R. P. Penny	X	
D. J. Mill	X	
D. P. Curley	X	

THE RESOLUTION WAS UNANIMOUSLY ADOPTED.

Old Business #8 - (not on Agenda) Award Bid on Cable T.V. Franchise.

7) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN DIGGINS, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN PENNY, TO WIT:

WHEREAS, the Town of Orchard Park and Village of Orchard Park duly advertised a Request for Proposals for a franchise for a cable communication system, and

WHEREAS, in response thereto, proposals were received on October 16th, 1979, and

WHEREAS, this Town Board and the Village Board of Trustees have duly investigated and considered the proposals from International Cable Television, Inc., and Global Cable Television of Orchard Park, and

WHEREAS, this Town Board and the Village Board of Trustees find that Global T.V. of Orchard Park had the knowledge and experience to construct, maintain and operate a cable communication system in the Town and Village of Orchard Park, and

WHEREAS, this Town Board and the Village Board of Trustees find that Global T.V. of Orchard Park has presented a plan to provide local programming and two-way telecasting at the earliest possible stage; and

WHEREAS, this Town Board and the Village Board of Trustees find that the rates proposed by Global T.V. of Orchard Park are fair and equitable; and

WHEREAS, this Town Board and the Village Board of Trustees find that Global T.V. of Orchard Park has proposed a satisfactory maintenance system for the handling of complaints, now, therefore, be it

RESOLVED, that the Supervisor be and hereby is authorized to enter into an agreement for said franchise under such forms and conditions as may be acceptable to him together with the Mayor of the Village of Orchard Park and approved by the Town Attorney of the Town of Orchard Park and the Village Attorney of the Village of Orchard Park.

The question of the adoption of the foregoing resolution was duly put on roll call, which resulted as follows:

E. B. Woodard	Voting Aye
J. J. Diggins	Voting Aye
R. P. Penny	Voting Aye
D. J. Mill	Voting Aye
D. P. Curley	Voting Aye

THE RESOLUTION WAS UNANIMOUSLY ADOPTED.

New Business #1 - Schedule Bid Opening for One Pick-Up Truck, Parks & Grounds.

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

RESOLVED that the Town Board be and is hereby authorized to schedule a Bid Opening for one (1) new 1980 Pick-Up Truck for the Parks & Grounds Department on 2/5/80 at 1:45 P.M. EST, and be it further

RESOLVED that the Town Clerk be and is hereby directed to publish due notice thereof.

	<u>Aye</u>	<u>Nay</u>
E. B. Woodard	X	
J. J. Diggins	X	
R. P. Penny	X	
D. J. Mill	X	
D. P. Curley	X	

THE RESOLUTION WAS UNANIMOUSLY ADOPTED.

New Business #2 - Century Housewares Inc. Approval of Directional Signs.

9) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN PENNY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MILL, TO WIT:

RESOLVED that the Town Board be and is hereby authorized to approve the Directional Signs on Michael Road for Century Housewares, Inc. 3045 Union Rd.

	<u>Aye</u>	<u>Nay</u>
E. B. Woodard	X	
J. J. Diggins	X	
R. P. Penny	X	
D. J. Mill	X	
D. P. Curley	X	

THE RESOLUTION WAS UNANIMOUSLY ADOPTED.

10) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN MILL, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN PENNY, TO WIT:

RESOLVED that the Town Board be and is hereby authorized to approve the Supervisor's execution of the B.O.R. extension of time Contract for Orchard Meadows Recreation Area development.

	<u>Aye</u>	<u>Nay</u>
E. B. Woodard	X	
J. J. Diggins	X	
R. P. Penny	X	
D. J. Mill	X	
D. P. Curley	X	

THE RESOLUTION WAS UNANIMOUSLY ADOPTED.

Supervisor Woodard reported on complaints received re: the door entrance area to K Mart.

Councilman Diggins 1) Thanked former Councilman Henryk Markulis for his great effort in helping to bring Cable TV to Orchard Park and 2) Reviewed the work done by the Town Board before the decision to award the Cable TV franchise.

Councilman Penny reported as follows:

1) "First of all we have wrestled over the years with, recent years, with this question of temporary office space in the form of trailers in various business sites in Town. We now have four of them, I believe. And I am a little concerned because we have granted temporary permits in each case and in each case, the applicant has shown good faith and he has lived up to all the commitments stated publicly before the Board. However, each of these cases is in fact a temporary situation and is not properly covered under our ordinances and I think the time has come where we are going to have to face what course of action we really intend to take in the future as to whether or not we are going to simply continue to renew these permits as they come up, whether in fact as each of these applicants suggested they are temporary or, in fact whether the real intention is that they become permanent. And, I think in all fairness to everybody involved, we should begin to think out how we are going to handle these temporary permits such as, they ultimately become either permanent or remain or in fact are temporary and are terminated at some point. So I propose that question be presented by way of statement to the Planning Board from our minutes so that they may begin thinking of that problem and we can develop our ideas jointly". and

2) Reviewed some of the significant differences between the two (2) Cable TV proposals.

Councilman Mill reported on 1) The many areas that the Town Board had investigated before the final awarding of the Cable TV franchise. 2) Congratulated Allison Arlen, Town Assessor, on his election as President of the Erie County Assessors Association. and 3) End of the Year report filed by Police Chief Henning.

Councilman Curley reported on the Cable TV franchise awarded by the Town Board.

11) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN MILL, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN PENNY, TO WIT:

RESOLVED that the Town Board be and is hereby authorized to schedule a Public Hearing on February 6, 1980 at 8:05 P.M. EST in the matter of proposed amendments to the Zoning Ordinances as follows:

Section 13-76 (A) (22) is hereby amended to read as follows:

Petroleum storage or refining except:

- (i) Storage of petroleum products in garages or oil filling stations under conditions allowed by law and by the Ordinances of the Town
- (ii) Underground storage of petroleum products in the I Zone. Such storage shall comply with all applicable State and Local laws and regulations.

and be it further

RESOLVED that the Town Clerk be and is hereby directed to publish due notice thereof.

	<u>Aye</u>	<u>Nay</u>
E. B. Woodard	X	
J. J. Diggins	X	
R. P. Penny	X	
D. J. Mill	X	
D. P. Curley	X	

THE RESOLUTION WAS UNANIMOUSLY ADOPTED.

12) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN MILL, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN DIGGINS, TO WIT:

RESOLVED that the Town Board be and is hereby authorized to appoint Lorraine Biryly as Chairman of the Town Planning Board for the year 1980.

	<u>Aye</u>	<u>Nay</u>
E. B. Woodard	X	
J. J. Diggins	X	
R. P. Penny		X
D. J. Mill	X	
D. P. Curley		X

THE RESOLUTION WAS DULY ADOPTED.

13) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR WOODARD, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN PENNY, TO WIT:

RESOLVED that the Town Board be and is hereby authorized to appoint Margaret Holmes, 55 South Lane, effective 1/21/80, as 2nd Deputy Town Clerk and Sub Registrar of Vital Statistics for the year 1980.

	<u>Aye</u>	<u>Nay</u>
E. B. Woodard	X	
J. J. Diggins	X	
R. P. Penny	X	
D. J. Mill	X	
D. P. Curley	X	

THE RESOLUTION WAS UNANIMOUSLY ADOPTED.

14) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN DIGGINS, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR WOODARD, TO WIT:

RESOLVED that the Town Board be and is hereby authorized to adopt an order to establish Stop Signs at the following intersections:

- 1) on Knob Hill Road at its intersection with Tanglewood Drive W.
- 2) on Tanglewood Drive W. at its intersection with Briar Hill Road
- 3) on Timberlake Drive at its intersection with Briar Hill Road

and be it further

RESOLVED that the Town Attorney be and is hereby directed to draw this order in its proper form, and be it further

RESOLVED that the Superintendent of Highways be and is hereby directed to post the proper signs upon receipt of this order.

	<u>Aye</u>	<u>Nay</u>
E. B. Woodard	X	
J. J. Diggins	X	
R. P. Penny	X	
D. J. Mill	X	
D. P. Curley	X	

THE RESOLUTION WAS UNANIMOUSLY ADOPTED.

Superintendent od Highways Ron Geitter reported that tree chips are available for the residents of Orchard Park at the Highway Department on Taylor Road.

15) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN DIGGINS, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MILL, TO WIT:

RESOLVED that the Town Board be and is hereby authorized to direct the Town Attorney to prepare papers and obtain signatures for a 15 Ft. S.S. #18 Easement on Sub Lot 68A on Carey Dr. in the Carey Subdivision, Phase 2 as recommended by the Town Engineer.

	<u>Aye</u>	<u>Nay</u>
E. B. Woodard	X	
J. J. Diggins	X	
R. P. Penny	X	
D. J. Mill	X	
D. P. Curley	X	

THE RESOLUTION WAS UNANIMOUSLY ADOPTED.

16) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN DIGGINS, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN PENNY, TO WIT:

WHEREAS the plans for the Dredging and Protection Project for Green Lake are 95% complete

AND WHEREAS as application for a Stream Disturbance Permit has been filed with the New York State Department of Environmental Conservation

NOW, THEREFORE, be it

RESOLVED that the Town Board be and is hereby authorized to direct the Engineer to advertise for bids for the Green Lake Dredging and Protection Project subject to the receipt of the Stream Disturbance Permit, and be it further

RESOLVED that the Legal Notice for Bids be put in the Buffalo Newspapers in addition to the Local papers.

	<u>Aye</u>	<u>Nay</u>
E. B. Woodard	X	
J. J. Diggins	X	
R. P. Penny	X	
D. J. Mill	X	
D. P. Curley	X	

THE RESOLUTION WAS UNANIMOUSLY ADOPTION.

17) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR WOODARD, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN DIGGINS, TO WIT:

RESOLVED that the Town Board be and is hereby authorized to effect the following Transfer of Funds as recommended by the Engineer.

From General Fund to Water District #3 Capital Fund \$60,000.00 to be repaid to the Town's General Fund when the financing for Water District #3, Abbott Road is completed.

	<u>Aye</u>	<u>Nay</u>
E. B. Woodard	X	
J. J. Diggins	X	
R. P. Penny	X	
D. J. Mill	X	
D. P. Curley	X	

THE RESOLUTION WAS UNANIMOUSLY ADOPTED.

18) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN MILL, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN DIGGINS, TO WIT:

RESOLVED that the Town Board be and is hereby authorized to approve all entries on Warrant #1 following auditing by members of the Town Board and in the funds indicated:

	<u>WARRANT</u>
GENERAL FUND	\$ 73,552.39
PART TOWN FUND	6,803.85
SPECIAL DISTRICTS	181,061.38
HIGHWAY FUND	19,837.15
TRUST & AGENCY FUND	10,562.34
FEDERAL REVENUE SHARING	9,082.44
DEBT SERVICE FUND	100,550.00
N.P.P. REHAB. ESCROW ACCT.	73.00

	<u>Aye</u>	<u>Nay</u>
E. B. Woodard	X	
J. J. Diggins	X	
R. P. Penny	X	
D. J. Mill	X	
D. P. Curley	X	

THE RESOLUTION WAS UNANIMOUSLY ADOPTED.

19) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN MILL, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN DIGGINS, TO WIT:

RESOLVED that the Town Board be and is hereby authorized to receive and file all communications as entered on the Agenda:

1. Aetna Business Credit Inc., East Hartford, Conn., updated Financial letter re: International Cable.
2. The Parks Parsons re: Request of the Town Board to establish an Ad Hoc Panel to study the needs of the young people in Orchard Park.

	<u>Aye</u>	<u>Nay</u>
E. B. Woodard	X	
J. J. Diggins	X	
R. P. Penny	X	
D. J. Mill	X	
D. P. Curley	X	

THE RESOLUTION WAS UNANIMOUSLY ADOPTED.

20) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN DIGGINS, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN PENNY, TO WIT:

RESOLVED that the Town Board be and is hereby authorized to receive and file the reports as entered on the Agenda:

1. New York State Electric & Gas Corp. re: Change in street lighting installation authorized by the Town Board 6/27/79; 1 25,500 Lumen, Pole 99 Southwestern Blvd.
2. Out of District Water Customers - 1980 from Assessor.
3. Building Permits and Monthly Report for December 1979.
4. Building Inspector's Annual Report for 1979.

	<u>Aye</u>	<u>Nay</u>
E. B. Woodard	X	
J. J. Diggins	X	
R. P. Penny	X	
D. J. Mill	X	
D. P. Curley	X	

THE RESOLUTION WAS UNANIMOUSLY ADOPTED.

Business from the floor

Mr. Victor Liberatore:

1. Requested explanation of why the culvert had been removed by the Town in the Liberty Drive area. A meeting was set up with the Town Engineer to discuss the problem.
2. Requested an explanation of the Town Ordinance which restricts overnight parking on streets during certain months in the year.

Mr. David Croll from Global T.V. thanked the Board for their vote of confidence.

Rev. Thomas Reid, Pastor of Full Gospel Tabernacle, expressed his thoughts on how Cable T.V. will be an asset to Orchard Park.

The Supervisor welcomed George Rapp, Boy Scout Leader, and two Scouts who are working on their Communications Badge.

There being no further business before the Town Board, the Supervisor adjourned the meeting at 9:23 P.M.EST.

Respectfully submitted,

Betty K. Reukauf  
Town Clerk