

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 6th day of February 2008 at 7:00 PM. The meeting was called to order by the Supervisor and there were:

PRESENT AT ROLL CALL: Mary Travers Murphy	Supervisor
David Kaczor	Councilman
Mark Dietrick	Councilman
Edward Graber	Councilman
Janis Colarusso	Town Clerk
Samuel McCune	Chief of Police
Michael Wolf	Asst. Town Attorney
Andrew Geist	Building Inspector
Frederick Piasecki, Jr.	Highway Superintendent
Wayne Bieler	Town Engineer
ABSENT: Nancy Ackerman	Councilwoman
Leonard Berkowitz	Town Attorney

The Supervisor 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."*

Public Hearing

At 7:00 PM (local time) the Supervisor called for the Public Hearing to hear all interested persons for or against the rezoning of property from R-1 to CMO (Conservation Management Overlay District), for vacant land located on the North side of Jewett Holmwood Road, East side of Freeman Road, Courtyard at Birdsong.

Affidavits of Publication and Posting of the Legal Notice of the Public Hearing were presented, read aloud, and filed with the Town Board by the Town Clerk.

At this time Supervisor Travers Murphy opened the Public Hearing and asked if there was anyone who would like to speak for or against the proposed rezoning:

Opponents:

Peter Murray – Mr. Murray is the principal land owner adjacent to the property of the proposed rezoning and his property is at a lower elevation. He already has problems with drainage and flooding and feels this proposed project will further exacerbate it. He reviewed the file in the Planning office and found no analysis of the drainage issues, traffic concerns and wildlife or quality of life issues. Mr. Murray feels a full SEQR review should take place.

Tom Cappel – Mr. Cappel lives on Freeman Road, on the side of a hill, and this proposed development would be directly behind his house. He stated that they have no storm sewers and no curbs, so all runoff that comes off the street and off the hill runs down behind his property to the area that is the proposed CMO district. This proposed project will block the water flow and flood his property, as well as the other properties downstream on Highland. When Mr. Cappel built his house, he had the Army Corps of Engineers come out and assess his land. They stated that as long as the drainage was open to run, there

would be no problem. On his survey, it states "note: drainage to follow its natural existing flow to the tributary of Smokes Creek". Mr. Cappel is opposed to this project, as it will cause severe flooding damage.

Dr. Richard Delgado – Dr. Delgado lives on Freeman Road, next to Mr. Cappel and has been there for 40 years. His main concern is drainage and flooding, as he has witnessed numerous situations of major flooding behind his property and downstream from his house and the damage that was caused. This proposed project will only make things worse.

Proponents:

William Tuyn – Director of Town Planning for Greenman Peterson Engineering (who designed the subdivision). Mr. Tuyn stated that you need to look at the Birdsong Subdivision as a whole, the way it was designed. This project is just a portion of it, and it was designed for diversity of housing types. The typical owner of this type of home would be retired, with no children at home, and with different traffic patterns than most of the other people. Mr. Tuyn stated that engineering firms are obliged to consider the impact of drainage flow when designing projects like this. They have to design it so there is no drainage impact. In Birdsong they developed ponds, which are part of the parkland, to handle the excess flow of water created from the development and they are proud of how it is working.

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

RESOLVED, that the Public Hearing in the matter of the rezoning of property from R-1 to CMO for vacant land located on the North side of Jewett Holmwood Road, East side of Freeman Road, *Courtyard at Birdsong*, is hereby closed at 7:18 PM (local time).

The resolution was unanimously adopted.

At this time the Supervisor stated that they would not be voting on the rezoning this evening. Councilman Dietrick stated that the Town welcomes further comment from the residents.

Old Business #1 Reschedule Public Hearing; Village Home Subdivision

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

RESOLVED, that the Town Board is hereby authorized to re-schedule the Public Hearing for the *Village Home Subdivision*, for rezoning of vacant land located on the South side of Milestrip Road and West of Ponderosa Court, Zoned R-2 and R-1 to CMO (Conservation Management Overlay District) for the purpose of constructing 56 family homes, for Wednesday, February 27, 2008, at 7:00 PM, due to the cancellation of the February 20, 2008 Town Board Meeting, and be it further

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

The resolution was unanimously adopted.

New Business #1 Town Board Rescheduled the February 20th Meeting to February 27, 2008

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

RESOLVED, that the Town Board does hereby cancel the Work Session & Town Board Meeting for Wednesday, February 20, 2008, due to the 2008 Association of Town Conference in New York City being held on this day, and be it further

RESOLVED, that the Town Board does hereby reschedule this meeting for Wednesday, February 27, 2008, at 7:00 PM, (local time). The Work Session to begin at 6:00 PM and Town Board Meeting to begin at 7:00 PM, and be it further

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

The resolution was unanimously adopted.

New Business #2 Authorize the Release of Escrow to Delta Sonic Car Wash System, Inc.

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

WHEREAS, on December 5, 2007, the Town Board accepted dedication of the public improvements constructed for Delta Sonic Carwash Expansion, Sanitary Mainline Relocation, 3205 Orchard Park Road, PIP #2007-03 with the stipulation that funds paid by the contractor be held in escrow until the replacement of manhole covers was completed, and

WHEREAS, the contractor has since completed the replacement of manhole covers. The work was inspected by the Engineering Department and found to be in compliance with Town specifications.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Town Clerk to release to Delta Sonic Car Wash Systems, Inc., 570 Delaware Avenue, Buffalo New York 14202, the \$500 held in escrow for replacement of manhole covers in Delta Sonic Carwash Expansion – Sanitary Mainline Relocation, PIP #2007-03, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #3 Authorize NYSEG to Connect Light Fixtures - Windy Hill Farms II, Phase 2

5) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR TRAVERS MURPHY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN DIETRICK, TO WIT:

WHEREAS, the Engineering Department has received a proposal from NYSEG for the connection of five (5) decorative street light fixtures on Wildwood Lane in the Windy Hill Farms II Subdivision, and at the present time, there are eight (8) single family homes occupied in this subdivision with another four (4) currently under construction of the 22 subplot subdivision, and

WHEREAS, the 70-watt H.P.S. luminaires, which are owned by the Town, were installed with the installation of decorative street lights poles under PIP # 2007-04. NYSEG will maintain the bulbs and the electric eye of the luminaires. The supply of electricity is not included in the price as the Town purchases their electricity from another supplier. The proposal is for a total of five (5) luminaries to be connected at an annual charge of \$23.87 each; totaling annually \$119.35.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize NYSEG to connect a total of five (5) 70-watt high-pressure sodium decorative light fixtures on Wildwood Lane in the Windy Hill Farms II, Phase 2, Subdivision, PIP #2007-04, at an annual increased cost of \$119.35 to the Consolidated Light District, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #4 Advertisement of Bids 2007 Building Improvements Project

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

WHEREAS, the Consultant Architect for the 2007 Building Improvement Project, C&S Engineers, is finalizing the plans and specifications. The Town Engineer has reviewed the plans and specifications and found them to be acceptable. The preliminary engineer's estimate is \$595,000, which is below the amount allocated for this project, although the Orchard Park Highway Building is not fully funded in the Capital Project budget, and

WHEREAS, this project consists of the design plans and specifications for a new Bath House and Splash Pad at Yates Park, a Highway Garage Addition, Dog Pound Addition, and two pole barn buildings at the Milestrip Road Compost Center, and

WHEREAS, in order to stay on the project schedule, the Advertisement for Bids should be published on February 11, 2008. Plans will be available for purchase on February 14, 2008 and bid opening on Monday, March 3, 2008 at 3:00 PM, (local time).

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby accept the plans and specifications for the proposed 2007 Building Improvements Project as prepared by C&S Engineers, as recommended by the Town Engineer, and be it further

RESOLVED, that the Town Board does hereby authorize the advertisements of sealed bids in the Southtowns Citizen & The Buffalo News, to be opened Monday, March 3, 2008, at 3:00 P.M. (local time) in the Supervisor's Conference Room at the Orchard Park Municipal Center, and be it further

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

The resolution was unanimously adopted.

New Business #5 Advertisement for Bids 2007 Utility Improvement Project

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

WHEREAS, the Consultant Architect for the 2007 Utility Improvement Project, C&S Engineers, is finalizing the plans and specifications. The Town Engineer has reviewed the plans and specifications and found them to be acceptable. The preliminary engineer's estimate is \$400,000, which is below the amount allocated for this project, although the Orchard Park Highway portion is not fully funded in the Capital Project Budget, and

WHEREAS, this project consists of the design plans and specifications for a new waterline from Thorn Avenue through to the Orchard Park Little League and ending at Yates Park, a waterline extension at the Milestrip Compost Center, installation of storm sewer and sanitary sewers and replacement of a lift station at the Orchard Park Highway Garage, and

WHEREAS, in order to stay on the project schedule, the Advertisement for Bids should be published on February 11, 2008. Plans will be available for purchase on February 14, 2008 and bid opening will be held on Monday, March 3, 2008 at 2:00 PM, (local time).

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby accept the plans and specifications for the proposed 2007 Utility Improvements Project as prepared by C&S Engineers, as recommended by the Town Engineer, and be it further

RESOLVED, that the Town Board does hereby authorize the advertisements of sealed bids in the Southtowns Citizen & The Buffalo News, to be opened Monday, March 3, 2008, at 2:00 P.M. (local time) in the Supervisor's Conference Room at the Orchard Park Municipal Center, and be it further

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

The resolution was unanimously adopted.

New Business #6 Proposed Change Order #1 Orchard Park Police Interior Alterations Project

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

WHEREAS, the Engineering Department is requesting your approval of a Change Order to the contract with Metro Development, L.L.C. for the Orchard Park Police Interior Alterations Project in the amount of \$2,564.00. If approved, this would increase the total contract amount to \$74,873.00, representing an increase of 3.21%, and

WHEREAS, the Change Order is requested to perform additional work not covered under their contract. The additional work involves the installation of a new 4" oak baseboard and shoe trim in the new Conference Room, replacement of vinyl floor tile in the existing corridor, and installation of formica countertops and a face panel on two knee walls in the new Dispatch Room, and

WHEREAS, the oak baseboard in the Conference Room is being used instead of the proposed vinyl base because the removal of the existing terrazzo base left an area larger than the vinyl base would cover. Due to wearing of the existing floor tile in the Dispatch and the removal of the existing console, new VCT was specified in the entire new Dispatch Area. The main corridor floor abuts and blends with the new Dispatch floor. The corridor floor is also worn and a different color than the new Dispatch tile. This is a small area and it is desired to make all the tiles the same color, and

WHEREAS, two knee walls are being constructed in front of the new dispatch consoles. The proposed change will provide a narrow countertop on top of these walls, providing space to put paperwork, etc. One wall will have narrow file cabinets in front of it, but the other will be exposed in a high traffic area. This wall will have a formica front panel on it to protect it and have the same finish as the countertops and consoles.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Change Order #1 to the Contract with Metro Development, L.L.C., for the Orchard Park Police Interior Alterations Project in the amount of an increase of \$2,564.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #7 Consultant Agreement for Green Lake & Pond Maintenance in the Town

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

WHEREAS, similar to previous years, to complete the algae/plant treatments for Green Lake, Birdsong Subdivision Retention Lake and possibly Acorn Circle Pond, it is necessary to hire an environmental consulting firm New York Certified in Aquatic Vegetation and Algae Control, and

WHEREAS, the Town Engineer did solicited services and received a proposal from a local environmental consultant firm AquaTech Environmental, Inc., which is qualified and capable to complete lake management work for Green Lake, Birdsong Subdivision Retention Lake, Acorn Circle Pond and other Town owned lakes/ponds stocking in the necessary time frame, and

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, Aeration Assessment and Adjustment, and Consultation Services. Aqua Tech Environmental, Inc. lump sum cost to provide the above mentioned treatments for 2008 is \$3,850.00, and

WHEREAS, the services proposed for Birdsong Subdivision Retention Lake are on a per treatment basis and include one (1) Aquatic Macrophyte (Rooted) treatment for \$800.00 and two (2) Filamentous Algae treatments for \$615.00/ea. Total anticipated cost is \$2,030.00 for the year. Residents would pay 50% of this cost totaling \$1,015.00, and

WHEREAS, the services proposed for Acorn Circle Pond are on a per treatment basis and include one (1) Aquatic Macrophyte (Rooted) treatment for \$310.00 and two (2) Filamentous Algae treatments for \$260.00/ea. Total anticipated cost is \$830.00 for the year. The four residents that own portions of the pond must consent to the treatment program and for paying their share (\$415.00), and

WHEREAS, Dave Adrian of Aqua Tech Environmental, Inc. must start the necessary NYSDEC permitting process for Green Lake, Birdsong Subdivision Retention Lake and Acorn Circle Pond in order to complete treatments this summer, and

WHEREAS, Mr. Adrian recommends continuing the baitfish stocking (crayfish, minnows, shiners), game fish stocking (crappie and yellow perch) and grass carp stocking to aid in weed control. The 2008 proposed stocking cost is \$1,945.00. There is presently \$10,000 budgeted under Orchard Park Engineering Department "Water Quality Consultants" A.1440.000.448 for this work, and

WHEREAS, the entire projected cost for Town Lake and Pond maintenance, treatment and stocking for calendar year 2008, is not to exceed \$8,655.00 (minus Birdsong Homeowners Association share costs Treatment = \$1,015.00 and Acorn Circle Pond homeowners share costs Treatment = \$415.00). The projected 2008 cost for the Town of Orchard Park is not to exceed \$7,225.00.

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 Acorn Circle Pond, 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 AquaTech Environmental, Inc., 45 Kent Avenue, Blasdell, New York 14219, to provide annual environmental services for Green Lake Maintenance in an amount of \$3,850.00 annually for Algae and Weed Treatments, and Environmental services for Acorn Circle and Birdsong Nature Park/Subdivision Retention Lake Maintenance for Algae and Weed Treatments, and Stock fish to specified Town owned ponds as per attachment 3.0 & 3.1 Fishery Management Agreement, at a cost not to exceed \$7,225.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #8 Proposed Change Order-2; Asbestos Removal OP Highway Department (addition)

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

WHEREAS, the Town Engineer is requesting approval for a change order to the contract with C&S Engineers for the Orchard Park Highway Department Facility & Site Improvements Project in the amount of \$2,500.00, this would increase the total contract amount to \$103,150.00, an increase of 2.48%, and

WHEREAS, during the course of the engineering and design of the Orchard Park Highway Department Addition Project, Watts Architecture and Engineering was hired to perform asbestos testing. Asbestos was known to exist in portions of the roof building materials and more extensive testing was required involving all other construction areas and existing materials. Asbestos was found in the floor tile and mastic throughout the addition / remodeling area. This Change Order is requested to properly deal with the asbestos regarding design, through construction and removal, and

WHEREAS, in addition it is recommended that all asbestos material within the work area be removed at this time, while containment barricades are constructed. If the entire construction area has all asbestos removed, the cost would be \$11,500.00 instead of the spot removal already included in the estimate at \$7,300.00. This would add an additional total construction cost of \$4,200.00 to the project but avoid dealing with asbestos in these areas in the future, and

WHEREAS, C&S Engineers additional fees included: \$2,000.00 for design and drawing the asbestos removal plan and \$500.00 for management fees relating to the asbestos testing subcontractor.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize a Change Order to the Contract with C&S Engineers, 90 Broadway, Buffalo, New York 14203, in the amount not to exceed \$2,500.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #9 Award Bid for the 2007-2008 SARA Grant-Town & Village Building Departments

11) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR TRAVERS MURPHY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN KACZOR, TO WIT:

WHEREAS, a bid opening for the 2007-2008 Local Government Records Management Improvement Fund in the microfilming category, through the Town Clerk's Office to place on Thursday, January 31, 2008, at 8:30 AM, in the Town Clerk's Office.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the agreement between the Town of Orchard Park and Biel's Information Technology System, 1201 Indian Church Road, West Seneca NY 14224, for the 2007-2008 Local Government Records Management Improvement Fund (SARA) in the microfilming category for the Town & Village Building Inspector's Department, bid not to exceed \$23,855.00, as recommended by the Town Clerk.

The resolution was unanimously adopted.

New Business #10 Appointments Winter/Spring 2008 Recreation Department Staff Appointments

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

RESOLVED, that the Town Board does hereby authorize the following Winter/Spring 2008 Staff Appointments to the Orchard Park Recreation Department, dependent upon the applicant providing the required certifications, as recommended by the Recreation Director.

Name	Address	Position	Title	Rate
Samantha Taylor	Town of Wilson	PT2-B	Aide	\$ 9.00
Elizabeth Ziarnowski	Town of Wheatfield	PT6-D	Aide	\$15.00
Gretta Hanson	Town of West Seneca	PT2-D	Aide	\$ 9.50
Toby Burns	Town of Orchard Park	PT6-D	Aide	\$15.00
Kathleen Goodman	Town of Orchard Park	PT2-D	Aide	\$ 9.50
KatieMae Bidell	Town of Tonawanda	PT6-D	Rec-Super	\$15.00
Emily Mueller	Town of Newburgh	PT1-C	Lg.	\$ 8.00

Before the vote was taken, Councilman Dietrick stated he would be abstaining from voting this evening as he has a business relationship with Mr. Toby Burn's company.

Supervisor Travers Murphy	Aye
Councilwoman Ackerman	Absent
Councilman Kaczor	Aye
Councilman Dietrick	Abstain
Councilman Graber	Aye

The resolution was duly adopted.

New Business #11 Town Board to recognize March 13, 2008, as “World Kidney Day”

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

WHEREAS, healthy kidneys are essential to regulate the body by water and other chemicals in your blood, remove fluids, waste, toxins and drugs introduced to the body, release hormones that regulate blood pressure, make red blood cells and promote strong bones, and

WHEREAS, more than 26 million Americans, about one in nine adults, suffer from chronic kidney disease, and

WHEREAS, of the 31,000 new Yorkers afflicted with end-stage renal disease, approximately 40 percent are African American and 16 percent are Hispanic, and

WHEREAS, the two main causes of chronic kidney disease are diabetes and high blood pressure, which are responsible for up to two-thirds of the cases, and

WHEREAS, the National Kidney Foundation of WNY has a health screening program to identify people in the early stages of kidney disease, and

WHEREAS, the mission of the National Kidney Foundation of WNY is to prevent kidney and urinary tract diseases, improve the health and well-being of individuals and families affected by these diseases, and increase the availability of all organs for transplantation, and

WHEREAS, early detection including regular reporting of the GFR calculation, currently the best indication of kidney disease staging can help prevent the progression of kidney disease to kidney failure, which requires continual dialysis or kidney transplant to maintain life, and

WHEREAS, the cost of treatment for kidney disease patients is disproportionately higher than any other chronic disease, and

WHEREAS, most patients who have end-stage renal disease rely primarily on Medicare and Medicaid to cover the costs of their life-sustaining care, which includes dialysis treatment, medications, laboratory testing, and as necessary, transportation services to the dialysis facility, and as a consequence, any changes in Medicare and Medicaid eligibility, significantly put them at risk.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Orchard Park does hereby recognize March 13, 2008, as "World Kidney Day" in the Town of Orchard Park and the State of New York in the hope that all possible support will continue to be extended to Chronic Kidney Disease patients in New York and throughout the country and the world.

The resolution was unanimously adopted.

New Business # 12, 13, 14 and 15 (not on agenda) Refer-Planning Board and/or Conservation Board

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

RESOLVED, that the Town Board does hereby refer to the Planning Board and/or Conservation Board the following item listed on the agenda:

- Walgreens, proposal for the Southwest corner of Union & Michael Roads, Zoned B-2. The site consists of D'Amato Dry Cleaners, Walkers Service Station, Molino's Pizzeria and DNA Breads/Anderson's. Applicant is requesting to construct a one-story 14,550 sq. ft. building with parking for a Walgreen's Pharmacy. The Anderson's ice cream store will not be demolished; both parties will share full access to Union Road with internal cross access provided.
- Seneca Creek Development Corporation, David Manko proposed "Smoke Creek Senior Community", 6856 Milestrip Road, former Haas Family Farm, 50 +/- acres of vacant land, Zoned R-2 and R-3.
- Mrs. Joyce Rettig, 5259 Bussendorfer Road. Requesting a 15-year Conservation Easement on 22.99 acres.
- Not listed on the agenda: Bryant and Stratton College, proposal for a 1-story, 6364 sq. ft. office addition on a 5.68 site located on the south west portion of Sterling Park adjacent to the Rte. 219 on-ramp and Milestrip Road, Zoned I-1.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Tom Casey – Mr. Casey stated that he had several requests for the Town Board. One is to listen to the advice of their Planning Board, Planning Consultant and Erie Co. Planning Dept. to preserve and increase industrial zoning because it will be to the benefit of our long term planning for the Town. Returning the Walmart property back to Industrial Zoning would be a good start. He asked the Town Board to respect the advice of the Town Planning Board when they are making development decisions; this was not done with the Walmart rezoning. He asked that the Town Board listen to all the people who comment on Town issues and not repeat the Walmart rezoning, as it has violations of the SEQR law and untrue statements. Mr. Casey also requested that the Town Board not interfere with agencies trying to do their job, such as the NYS Department of Transportation, during the SEQR process. Mr. Casey asked that the Town Board not segment projects that are illegal under SEQR.

Sal Cerrone – Mr. Cerrone is opposed to Walmart as it hurts local businesses, increases traffic, they do not maintain their stores, inside or out. He asked why Orchard Park needs another big box store. We do not want to look like Amherst. Mr. Cerrone stated that he lives in the northwest quadrant of Orchard Park and there has not been a lot of improvement in that area, so why make it worse with allowing huge retail stores that will only hurt that area. He also stated that what ever the Town receives in taxes from Walmart will be used up in the town services required by a super Walmart. He also asked if Walmart decides to pull out of there after a while, would the Town be stuck with a big empty box. He asked that the Town do a full, complete Environmental Study on the Walmart application.

Lou Boehm – Mr. Boehm stated that Walmart purchased the property on Milestrip Road for \$4.6 million with the knowledge that their site plan did not meet the parking regulations of the Town. He was at the Planning Board meeting where one of the Planning Board members asked if Walmart understood that their plan did not meet Town Regulations and the Walmart representatives stated that they did understand that and have no plans for correcting or changing their plan.

Elected Officials & Department Heads

15) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR TRAVERS MURPHY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN KACZOR, TO WIT:

RESOLVED, that the Town Board does hereby authorize the following budget transfers:

Account Code	Department	Description	Transfer From	Transfer To
700.5182.0490	Light. Dist.	Service Cost-Electric	715.78	
700.5182.0464	Light. Dist.	Erie County Chgbk		715.78
			<hr/> 715.78	<hr/> 715.78
800.9010.0810	Composting	State Retirement	2,374.11	
800.9030.0812	Composting	Social Security		1,331.91
800.9080.0818	Composting	Dental Insurance		733.20
800.9090.0817	Composting	Medicare		309.00
			<hr/> 2,374.11	<hr/> 2,374.11
800.8160.0440	Refuse	Cont.Services-Basic	1,534.50	
800.8160.0452	Refuse	Recycling Bin Expense		1,534.50
800.8160.0911	Refuse/Comp	Serial Bond - Interest	18,000.00	
800.8160.0910	Refuse/Comp	Serial Bond - Principal		18,000.00
			<hr/> 19,534.50	<hr/> 19,534.50
A.1220.0419	Supervisor	Other Expenses	95.00	
A.1340.0451	Budgeting	Acct.Service		95.00
			<hr/> 95.00	<hr/> 95.00
A.1355.0403	Assessment	Contract. Consulting	3,147.72	
A.1355.0100	Assessment	Assessor Salary		886.00
A.1355.0111	Assessment	Real Property Appraiser		1,486.00
A.1355.0137	Assessment	Clerical Personal		775.72
			<hr/> 3,147.72	<hr/> 3,147.72
A.1410.0141	Town Clerk	Records Management	1,721.14	
A.1410.0111	Town Clerk	Deputy Town Clerk		1,058.64
A.1410.0137	Town Clerk	2nd Deputy Town Clerk		596.00
A.1410.0139	Town Clerk	P/T Clerical		66.50

A.1670.0400	Central Services	Office Supplies	3,547.19	
A.1410.0413	Town Clerk	Travel & Conf.		0.99
A.1410.0460	Town Clerk	Codifn. Of Ordinance		3,546.20
			<u>5,268.33</u>	<u>5,268.33</u>
A.1670.0419	Central Services	Central Copy Supplies	913.53	
A.1670.0200	Central Services	Copier Purchase		382.00
A.1670.0439	Central Services	Rental Copy Machines		531.53
			<u>913.53</u>	<u>913.53</u>
A.1910.0462	General	Tax & Assess. Town Property	1,384.73	
A.1910.0464	General	Judements & Claims	6,000.00	
A.1910.0465	General	E. C. Chargebacks		7,384.73
			<u>7,384.73</u>	<u>7,384.73</u>
A.1620.0422	Buildings	Gas	17,777.05	
A.1620.0144	Buildings	Maint. Personnel		14,994.48
A.1620.0446	Buildings	Cont. Repair & Maintenance		2,782.57
			<u>17,777.05</u>	<u>17,777.05</u>
A.7610.0200	Sr. Ctz.	Equipment	2,237.73	
A.7610.0139	Sr. Ctz.	P/T Sr. Ctr. Personnel		781.25
A.7610.0400	Sr. Ctz.	Group Expense		5.37
A.7610.0401	Sr. Ctz.	Sr. Citizen Van Expense		1,451.11
			<u>2,237.73</u>	<u>2,237.73</u>
A.1910.0480	General	Contingent	75,000.00	
A.1420.0455	Town Law	Outside Legal Services		68,430.67
A.1420.0460	Town Law	Outside Appraisal		6,569.33
			<u>75,000.00</u>	<u>75,000.00</u>
A.8730.0139	Conservation Bd.	P/T Clerical	5.00	
A.8730.0100	Conservation Bd.	Board Members		5.00
			<u>5.00</u>	<u>5.00</u>
A.9010.0810	General	State Retirement	30,681.71	
A.9015.0811	General	Police Retirement	45,339.75	
A.9040.0813	General	Workmens Comp. Insurance	63,678.71	
A.9030.0812	General	Social Security	9,498.33	
A.9080.0818	General	Dental Insurance	17,516.62	
A.1910.0431	General	Unallocated Insurance	18,440.85	
A.9060.0814	General	Hospital & Med. Ins.		129,586.59

A.9065.0814	General	Flex Plan		51,829.33
A.9070.0816	General	Unemployment Insurance		3,740.05
			185,155.97	185,155.97
B.3620.0110	P/T	Code Enforcement	1,735.11	
B.3620.0100	P/T	Supv. Code Enforcement		1,735.11
B.3620.0444	P/T	Computer Lease	523.33	
B.3620.0420	P/T	Telephone		523.33
			2,258.44	2,258.44
B.8010.0101	Zoning	Alternate Board Member	5.00	
B.8010.0100	Zoning	Board Members		5.00
B.8020.0141	Planning	Temporary PT Clerical	1,311.50	
B.8010.0139	Zoning	Zoning Clerk		876.42
B.8020.0139	Planning	Clerk 1/2		435.08
B.8010.0450	Zoning	Publishing	52.00	
B.8010.0400	Zoning	Office Supplies		52.00
B.8020.0450	Planning	Publishing	56.30	
B.8020.0400	Planning	Office Supplies		56.30
			1,424.80	1,424.80
B.9060.0814	P/T	Hospital & Medical Ins.	491.47	
B.9065.0814	P/T	Flex Plan		491.47
			491.47	491.47
DA.5110.0472	Highway	Stone, Gravel, Rd. Oil	8,019.36	
DA.5110.0464	Highway	Erie County Charge Back		8,019.36
DA.9040.0813	Highway	Workmens Comp. Ins.	30,578.10	
DA.9045.0815	Highway	Life Insurance		19.20
DA.9065.0814	Highway	Flex Plan		27,827.01
DA.9901.0901	Highway	Trans. Debt-Baker Road Bridge		1.51
DA.9901.0902	Highway	Trans. Debt-Baker Road		2,728.30
DA.9901.0903	Highway	Trans. Debt-South Lane		2.08
			38,597.46	38,597.46

Budget Amendments**Increase Appropriations:**

A.0000.0599	General Fund	Appropriated Fund Balance	28,903.76	
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To Cover Outside Legal Expense

A.1420.0455	Town Law	Outside Legal Services		28,903.76
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Increase Appropriations:

A.0000.0599	General Fund	Appropriated Fund Balance \$8,168.01	
A.3120.0102	Police	Traffic Safety Grant	2,700.81
A.3120.0498	Police	BZPP Grant Expense	477.10
A.3120.0499	Police	TRACS Grant Expense	4,990.10

Increase Estimated Revenue:

A.0000.0510	General Fund	Estimated Rev. Balance \$8,168.01	
A.0000.3386	Police	BZPP Grant	477.10
A.0000.3387	Police	TRACS Grant	4,990.10
A.0000.3390	Police	BUNY & STEP Grants	2,700.81

Increase Appropriations:

A.0000.0510	General Fund	Appropriated Fund Balance \$40,311.23	
A.7020.0112	Recreation	Aquatics Director	2,346.11
A.7020.0137	Recreation	P/T Clerical	51.96
A.7020.0149	Recreation	Recreation Personnel	16,404.93
A.7020.0433	Recreation	Special Events	21,400.14
A.7020.0463	Recreation	Transportation	108.09

Increase Estimated Revenue:

A.0000.0510	General Fund	Estimated Rev. Balance \$40,311.23	
A.0000.2001	General	Parks & Recreation Charges	40,311.23

A.7610.0200	Senior Center	Sr. Citizens Equipment	1,000.00	
A..7610.0149	Senior Center	PT Senior Center Program		1,000.00
			1,000.00	1,000.00
A.7110.0422	Highway	Parks – Gas	16.67	
A.7110.0421	Highway	Parks – Electric		16.67
			16.67	16.67
A.7110. 0215	Highway	Parks-Equipment	573.98	
A.7110.0445	Highway	Parks – Vehicle Repair		573.98
			573.98	573.98
DA.1910.0407	Highway	Highway. Drug & Alcohol Testing	269.98	
DA.1910.0408	Highway	Highway. First Aid		269.98
			269.98	269.98
DA.5110.0440	Highway	Highway. Equipment Rental	119.32	
DA.5110.0420	Highway	Highway. Cell Phones		119.32
			119.32	119.32

DA. 5130.0200	Highway	Highway. Equipment	409.75	
DA.5130.0419	Highway	Highway Machinery Expense		409.75
			409.75	409.75
2008				
DA.5110.0440	Highway	Highway Equipment Rental	3,000.00	
DA.5110.0420	Highway	Highway Cell Phones		3000.00
			3,000.00	3000.00

The resolution was unanimously adopted.

Councilman Kaczor wished to thank Paul Warriner, head of our Information Technology, on the great work he did in transitioning the Town buildings to a new phone system.

Councilman Dietrick stated that the Sidewalk law was brought up at last week's work session, and there were not enough votes to pass it. Assemblyman Mark Schroeder said he would talk with the Town Board about possibly helping the Town to get some monies to help with this. The Town Board is now looking at some alternative ways for keeping the sidewalks maintained and plowed. Mr. Dietrick also stated he would like the Department heads look into hiring part time people as opposed to full time.

Highway Superintendent Fred Piesecki stated that the Town has received a grant for \$52,000.00 from the NYS Emergency Management Office. State Senator Dale Volker was instrumental in helping the Town get this grant. With the weather easing up for a while, the Highway Department has been getting around to pick up the brush.

Proposed Electronics Contract – Orchard Park Police Interior Alterations Project

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

WHEREAS, the Town Engineer is requesting Town Board approval for the contract to the Orchard Park Police Interior Alterations Project in the amount of \$2,342.00, and

WHEREAS, the contract is requested to perform additional work not covered under the contract with Metro Development or Lackawanna Electric. The additional work involves the relocation and installation of 911 telephone, computer, alarm and intercom lines in the Dispatch Room. Line locations could not be verified until after demolition. Lackawanna Electric is not willing to take on this work and Paul Warriner is recommending staying with the same contractor that has worked on the Town's network and alarm systems, and

WHEREAS, the temporary relocation of lines was necessary due to the remodeling and new desk installation of the Dispatch Room. A permanent relocation of lines is also necessary because of the new configuration of the Dispatch Consoles and existing conduits. FM Communications will be handling the radios transfer directly with the Chief of Police, and

WHEREAS, there is presently \$95,814.03 plus interest allocated under Capital Project H-70 Police Wing Remodeling for this project work.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with Source Technical, Inc., 1333 Strad Ave., North Tonawanda, New York 14120, for the Orchard Park Police Interior Alterations Electronics Project in the amount not to exceed \$2,342.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

17) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR TRAVERS MURPHY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN DIETRICK, TO WIT:

RESOLVED, that the Town Board does hereby authorize the approval of all entries on Warrant #3 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$104,350.53
Part Town Fund	\$2,326.90
Risk Retention	0
Cemetery Fund	0
Highway Fund	\$51,952.44
Special Districts	\$28,302.69
Trust & Agency	\$17,951.83
Capital Fund	\$72,351.28

The resolution was unanimously adopted.

18) 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 receive and file the following Communications listed on the agenda: Hunter's Day of Hope for Children: Please note the new date-the weekend before Valentines Day. It's fun and free for all families (music, dancing, games, face painting and food) from 5:00 PM to 8:00 PM at the Ralph Wilson Field House.

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby receive and file the following reports listed on the agenda: Chief of Police's 2007 Annual Report for the Orchard Park Police Department, and the Building Inspector's Monthly Report and Building Permits for January 2008.

The resolution was unanimously adopted.

There being no further business, on motion by Supervisor Travers Murphy, seconded by Councilman Kaczor, to wit: the meeting was adjourned at 7:49 PM (local time).

Respectfully Submitted,


Janis Colarusso
Town Clerk