

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 7<sup>th</sup> day of February 2007 at 7:00 P.M., (local time). The meeting was called to order by the Supervisor and there were:

<b>PRESENT AT ROLL CALL:</b>	Mary Travers Murphy	Supervisor
	Nancy Ackerman	Councilwoman
	David Kaczor	Councilman
	Mark Dietrick	Councilman
	Deborah Yeomans	Councilwoman
	Janis Colarusso	Town Clerk
	Michael Wolf	Deputy Town Attorney
	Andrew Geist	Building Inspector
	Samuel McCune	Chief of Police
	Frederick Piasecki, Jr.	Highway Superintendent
	Wayne Bieler	Town Engineer
<b>ABSENT:</b>	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."*

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

**RESOLVED**, that the minutes of the Meeting of the Town Board held on January 17, 2007 and the Executive Session Minutes for January 24, 2007 & January 31, 2007, 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.**

#### **PUBLIC HEARING**

At 7:00 PM (local time) the Supervisor called for the Public Hearing to hear all interested parties for or against the Proposed Perpetual Conservation Easement for Ms. Susan J. Greenwood, 5595 Armor Duells Road for nine (9) acres of vacant land, zoned agricultural.

In addition, the Town Assessor is to determine the valuation of the property, taking into account the limitation on the future use of the land, imposed by such Conservation Easement.

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 Travers Murphy stated if there was anyone in the audience who would like to speak for or against the application for the Conservation Easement.

**Comments from the floor:**

**Peggy Bennett, 5635 Armor Duells Road:** Mrs. Bennett questioned the dividing of the property and if Ms. Greenwood was the owner of record. She wanted to know if and when the property was purchased.

**Ed Kopyc, 7199 Lower East Hill Road:** Mr. Kopyc owns property on Powers Road that borders Ms. Greenwood's lot. He asked for the definition of a Conservation Easement. Councilwoman Ackerman explained that there would be no development and there are tax credits given to the property owner. If the property was to be sold, there would be back taxes and penalties to be paid by the new owner if the conservation easement is broken for development.

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

**RESOLVED**, that the Public Hearing in the matter of the Proposed Perpetual Conservation Easement for Ms. Susan J. Greenwood, 5595 Armor Duells Road for nine (9) acres of vacant land, zoned agricultural, is hereby closed at 7:16 PM (local time).

**The resolution was unanimously adopted.**

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

**RESOLVED**, that the Town Board does hereby accept the following Perpetual Conservation Easement for Ms. Susan J. Greenwood, 5595 Armor Duells Road for nine (9) acres of vacant land, zoned agricultural, as recommended by the Conservation Board, contingent upon confirmation of ownership of the property, and be it further

**RESOLVED**, that the Town Assessor is to determine the valuation of the property, taking into account the limitation on the future use of the land imposed by such Conservation Easement.

**The resolution was unanimously adopted.**

**PUBLIC HEARING**

At 7:17 P.M. (local time), the advertised time, the Supervisor called for the Public Hearing to hear all interested parties for or against the Establishment & Creation of the Town Drainage District OPDD 5-1.

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. The affidavit is entered into and attached to these minutes.

Supervisor Travers Murphy asked if anyone would like to speak for or against this project.

**Comment from the floor: No One Spoke**

4) THE FOLLOWING RESOLUTION WAS OFFERED BY, COUCNILMAN DIETRICK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN ACKERMAN, TO WIT:

**RESOLVED**, that the Public Hearing in the matter of the Establishment & Creation of the New Town Drainage District OPDD 5-1, is hereby closed at 7:18 P.M. (local time).

**The resolution was unanimously adopted.**

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

**Establishment of Creation to the Town Drainage District 5-1 in Re:  
Pine View Grove Subdivision, Pine View Gorge, Inc. (Owner by Liber 11092, Page 6671)**

**WHEREAS**, a map, plan and report relating to the establishment of Creation to the Town Water District No. 5-1, prepared by Greenman-Pedersen, Inc., competent engineers duly licensed by the State of New York, in the manner and in such detail as has been determined by this Town Board, has been duly filed with the Town Clerk, in accordance with the requirement of Article 12 of the Town Law, and

**WHEREAS**, an Order was duly adopted by this Town Board on the 7<sup>th</sup> day of February 2007, reciting the filing of said map, plan and report, the improvements proposed the boundaries of the proposed District, the proposed method of financing, the fact that the map, plan and report describing the same were on file in the Town Clerk's Office for public inspection, and stating all other matters required by law to be state, and specifying February 7, 2007, as the date, at 7:00 PM in the afternoon of said day as the time, at the Town of Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park, New York as the place where this Town Board would meet and consider said map, plan and report, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as required or authorized by law, and

**WHEREAS**, such Order was duly published and posted as required by law, and

**WHEREAS**, a hearing on said matter was duly held by said Town Board on February 7, 2007 at 7:00 PM in the afternoon of said day, in the Municipal Center, S4295 South Buffalo Street, Orchard Park, New York, and no person appearing in opposition to and the petitioners appearing in favor of the petition, and

**WHEREAS**, pursuant to said petition, it is the intention of the petitioners, as sole owners of all the taxable property in said drainage district, to construct said drainage lines solely at it own expense, now after due deliberations, it is

**RESOLVED AND DETERMINED:**

- That the notice of hearing was published and posted as required by law, and is otherwise sufficient
- That all property and property owners within the proposed district are benefited thereby
- That all property and property owners benefited are included within the limits of the proposed district
- That it is in the public interest to establish said district, and be it further

**RESOLVED**, that the establishment of the proposed district as set forth in said map, plan and report be approved, and that the improvements therein mentioned be constructed by the petitioner, and such district shall be known and designated as "Town of Orchard Park Drainage District No. 5-1" and shall be bounded and described as set forth:

**ALL THAT TRACT AND PARCE OF LAND** situated in the Town of Orchard Park, County of Erie, State of New York being part of Lot 3, Township 9, Range 7 of the Holland Land Survey so called bounded and described as follows:

Beginning in the Easterly boundary of Scherff Road at its intersection with the northerly line of the lands conveyed to Wayne Taneff recorded in Liber 11085 of Deeds at Page 5434. Thence N-01°-00'-55"-W along the easterly boundary of Scherff Road 58.24 feet to an angle therein; Thence N-04°-27'-09"-E along the easterly boundary of Scherff Road 184.99 feet to the southerly line of the lands conveyed to Virgil Taber and others recorded in Liber 10365 of Deeds at Page 661; Thence along the bounds of the lands conveyed to Virgil Taber by Liber 10365 of Deeds at Page 662 and Liber 10365 of Deeds at Page 665 the following:

1) N-89°-42'-08"-E, 148.40 feet; 2) N-10°-06'-32"-E, 17.93 feet; 3) N-65°-51'-08"-E, 45.84 feet; 4) N-16°-16'-08"-E, 35.40 feet; 5) N-56°-12'-08"-E, 76.25 Feet; 6) N-10°-12'-08"-E, 56.20 feet; 7) N-08°-36'-52"-W, 68.00 feet; 8) N-30°-36'-08"-E, 90.65 feet; 9) N-24°-11'-52"-W, 66.79 feet; 10) N-24°-25'-08"-E, 73.70 feet;

Thence the following courses and distance along the approximate center of a gorge:

1) S-55°-43'-17"-E, 72.0 feet; 2) S-48°-44'-21"-E, 101.0 feet; 3) S-72°-08'-01"-E, 48.0 feet; 4) N-63°-05'-00"-E, 84.0 feet; 5) N-85°-40'-33"-E, 49.0 feet; 6) S-77°-25'-55"-E, 95.0 feet; 7) S-52°-50'-25"-E, 56.0 feet; 8) S-24°-30'-25"-E, 43.0 feet; 9) S-47°-15'-32"-W, 30.0 feet; 10) S-36°-30'-08"-E, 110.0 feet; 11) S-01°-24'-30"-E, 236.0 feet; 12) S-14°-32'-51"-E, 67.0 feet; 13) S-56°-31'-23"-E, 55.0 feet; 14) S-42°-41'-46"-E, 90.0 feet to the northerly line of the lands conveyed to James Cudney recorded in Liber 9991 of Deeds at Page 419;

Thence along the northerly line of the lands conveyed to Cudney, William Dyviniak recorded in Liber 7269 of Deeds at Page 165 and the said Taneff S-89°-42'-08"-W, 962.0 feet to the Point of Beginning containing 9.24 acres more or less.

**RESOLVED AND DETERMINED:** That the drainage line for said district is to be constructed by the owners of the premises, wholly at their own expense, and they have offered to convey the same without cost to the Town of Orchard Park free and clear of encumbrances, except right to access to said improvement by adjoining landowners, that the cost of connecting the same with the Town of Orchard Park water system shall be borne by the owners of properties benefited thereby, and be it further

**RESOLVED AND DETERMINED:** that the Town Clerk be and hereby is authorized and directed to file a certificate of this resolution in the Office of the Clerk of the County of Erie, which is the County in which the said Town of Orchard Park is located, and the Office of the State Department of Audit and Control, within ten (10) days after the adoption of this resolution, pursuant to Section 195 of the Town Law.

**The above resolution was unanimously adopted.**

**New Business #1 Schedule Public Hearing for 3/7/07 for a Local Law; Historic Preservation Board**

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

**RESOLVED**, that the Town Board does hereby authorize to schedule a Public Hearing for March 7, 2007 at 7:00 PM, at the Municipal Center, for a Local Law to the Town Code of Ordinances; Historic Preservation Board, and be it further

**RESOLVED**, that the Town Clerk does hereby publish due notice in the official newspaper of the town.

**The resolution was unanimously adopted.**

**New Business #2 Town Board to Declare a Positive Declaration for SEQR/Fisher Bus Project**

7) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN ACKERMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN KACZOR, TO WIT:

**WHEREAS**, this Town Board is the Lead Agency pursuant to the State Environmental Quality Review Act in connection with the application to construct Fisher Bus Service on South Benzing Road near Route 20A, and

**WHEREAS**, this Town Board has considered the Environmental Assessment Form submitted by the applicant

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby make a Positive Declaration with regards to the Fisher Bus Service on South Benzing Road, near 20A, and be it further

**RESOLVED**, that the Town Board does hereby require that a Draft Environmental Impact Statement be prepared for the following reasons:

- Impact of the project on the existing traffic load at the intersection of South Benzing Road and Route 20 and as well as other intersections in the northern part of the Town.
- Impact of a potential adverse change in existing air quality.
- Impact of a potentially substantial adverse change in noise levels in the neighborhood caused by the project's anticipated operating noise level during construction, as well as its operating noise level once construction is completed, which may greatly exceed the existing noise levels in the surrounding area.
- Impact of the project's possible routine odors on the surrounding properties.
- Impact of a potential hazard to neighborhood residents caused by any storage of approximately 10,000 gallons of diesel distillate at the project site.
- Impact on the growth and character of the neighborhood; A) Possible adverse impact of the project on surrounding property values, and B) Possible impairment of the atmosphere and quality of living of the neighborhood.
- Impact of any potential hazard to human health.
- Impact of the Town residents of the public controversy anticipated related to potential adverse environmental impacts of this project.

**AND BE IT FURTHER**

**RESOLVED**, that a scoping session shall be conducted at the direction of the Orchard Park Planning Coordinator.

**The resolution was unanimously adopted.**

**New Business #3 Appointments to the 2007 Winter Staff Recreation Department**

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

**RESOLVED**, that the Town Board does hereby authorize the following 2007 Winter Staff Appointments for the Town of Orchard Park Recreation Department (dependent upon the applicant providing the required certifications) as recommended by the Recreation Director.

Name	Address	Position	Title
Giana Mulville	56 Chauncey Lane	PT2-A	Att.
Adam Porter	3246 Genesee Street #1 Cheektowaga, NY 14225	PT2-A	Lg.

**The resolution was unanimously adopted.**

**New Business #4 Supervisor to Sign Agreement for the Automated Property Record Card Program**

9) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN YEOMANS, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN KACZOR, TO WIT:

**WHEREAS**, the Town Assessor has advised the Town Board that assistance is needed in the Assessor's office for certain professional assessing services, and

**WHEREAS**, the Assessor has determined that GAR Associates, Inc., is the most qualified to provide such professional services.

**NOW, THEREFORE, be it**

**RESOLVED**, that the "Memo of Understanding" along with a "Certificate of Liability Insurance", is hereby approved by this Town Board, and be it further,

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to execute the Memo of Understanding between the Town of Orchard Park and GAR Associates, Inc., to provide professional services.

**The resolution was unanimously adopted.**

**New Business #5 Appointment of Allison Pawarski to the Recreation Commission**

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

**RESOLVED**, that the Town Board does hereby appointment Allison Pawarski, 3582 Eric Trail, Blasdell, to fill the vacancy as Youth Representative on the Orchard Park Recreation Commission.

**The resolution was unanimously adopted.**

**New Business #6 Approve Final Change Order/Milestrip Sports Complex Pavilion**

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

**WHEREAS**, the Town Engineer has announced that construction work on the Milestrip Road Sports Complex; New Pavilion HVAC has been completed and on November 30, 2006, a final inspection was conducted for the entire project and all of the work has since been satisfactorily completed in accordance with the contract documents and specifications, and

**WHEREAS**, a two-year maintenance bond in the amount of \$17,739.00 has been submitted along with the Affidavit of Release of Liens, Affidavit of Subcontractor Payment, warranties, equipment manuals, and necessary legal documents

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize final payment and release of retention to Parise Mechanical, Inc., 233 Fillmore Ave. Suite 19, Tonawanda, NY 14150, for the Milestrip Road Sports Complex, New Pavilion – Plumbing Contract in the amount of \$12,426.50, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #7 Dedication of PIP 2005-04 – Newton Abbott Fire Hall**

12) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN DIETRICK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN ACKERMAN, TO WIT:

**WHEREAS**, on December 20, 2005, a final inspection was conducted of the public improvements installed for the Newton Abbott Fire Hall Sanitary Sewer Relocation Project. The project included the relocation of approximately 210 L.F. of sanitary sewer to facilitate the construction of a new fire hall on Abbott Road, and

**WHEREAS**, all work has been satisfactorily completed in accordance with Town specifications, and a two-year maintenance bond in the amount of \$5,000.00 has been submitted along with all other necessary documents and easements.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the Town Attorney to proceed with the dedication of the public improvements for the Newton Abbott Fire Hall Sanitary Sewer Relocation Project constructed under PIP #2005-04, and authorize the Town Clerk to release the performance security in the amount of \$1,000.00, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #8 Approve a Certified Check in lieu of Bond for Bryan Rosten on Powers Road**

13) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN ACKERMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN KACZOR, TO WIT:

**RESOLVED**, that the Town Board does hereby approve the request from Bryan Rosten, vacant land on Powers Road, to submit a certified check for \$2,500.00 in lieu of a bond in the amount of \$5,000.00, for a garage to be built prior to the house construction, as recommended by the Building Inspector.

**The resolution was unanimously adopted.**

**New Business #9 Resignation of Lorraine Biryła from the Planning Board**

14) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN ACKERMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN KACZOR, TO WIT:

**WHEREAS**, Lorraine Biryła has submitted a letter of resignation from the Planning Board to the Town Board of Orchard Park, and

**WHEREAS**, she states it has been an honor and privilege for her to serve the community of Orchard Park as a member of the Town of Orchard Park Planning Board for the past thirty (30) years.

**NOW, THEREFORE**, be it

**RESOLVED**, that the Town Board does hereby accept the resignation with deep regret from Lorraine Biryła from the Planning Board, effective immediately.

**The resolution was unanimously adopted.**

**Appointment of Eugene Majchrzak to Fill the Vacancy on the Planning Board**

15) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN ACKERMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN DIETRICK, TO WIT:

**RESOLVED**, that the Town Board does hereby appoint alternate Eugene Majchrzak, to the Planning Board to fill the unexpired term of Lorraine Biryła.

**The resolution was unanimously adopted.**

**New Business #10 Training Classes for Planning and Zoning Boards**

16) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR TRAVERS MURPHY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN ACKERMAN, TO WIT:

**WHEREAS**, the New York State Legislature adopted a statute, which requires that the members of the Zoning Board of Appeals and Planning Board receive certain minimum training, and

**WHEREAS**, the Orchard Park Planning Coordinator has recommended that the New York State Municipal Insurance Reciprocal Land Use Training Program for Local Officials be adopted as the training program for the Town of Orchard Park, and



**WHEREAS**, the Town Board will designate Remy C. Orffeo, Planning Coordinator, as the administrator of the training program, and

**WHEREAS**, Remy C. Orffeo will receive an annual salary of \$800.00, as such designated official, for obtaining tutorials, testing, certifying board members, maintaining the appropriate records for the program and providing an annual report to the Town Board.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby adopt the New York State Municipal Insurance Reciprocal Land Use Training Program for Local Officials for the members of the Zoning Board of Appeals and the Planning Board, and be it further

**RESOLVED**, that the Town Board does hereby appoint Remy C. Orffeo, Planning Coordinator, to administer the training program and receive an annual salary of \$800.00, as such designated official.

**The resolution was unanimously adopted.**

**New Business #11, 12 & 13 Refer to the Planning Board and/or Conservation Board**

**17) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN ACKERMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN DIETRICK, TO WIT:**

**RESOLVED**, that the Town Board does hereby refer to the Planning Board and/or Conservation Board the following items listed on the agenda: **1)** Joseph Macaluso, Willett Laundry Mat, 3005 Abbott Road; Request to construct a small addition to the Willett Laundry mat. The property does require a side lot variance to allow for a 6'x 26' southerly building addition. Remodeling would give Mr. Macaluso the added space for new machines to make the store more appealing and efficient. **2)** Paul Hogan, 3050 Orchard Park Road; Request to construct a 5,500 sq. ft. addition to the existing 3,300 sq. ft. building located to the front on the east side. The proposed new building, which totals 8,800 sq. ft. will be used for medical offices. **3)** Bryan Young, Seasonal Landscaping & Nursery, Inc., 2240 Southwestern Boulevard; Request to expand the existing building on the west side by 2,500 sq. ft.

**The resolution was unanimously adopted.**

**ELECTED OFFICIALS AND DEPARTMENT HEADS**

**Budget Transfers**

**18) 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 approve the following **2006 Budget Transfers**:

D.A.R.E.	\$2,000.00	From: A.2989.419	D.A.R.E. Expenses
		To: A.599	D.A.R.E. Reserve

Highway Department	\$ 829.65	From:	A.3310.0442	Traffic-Signs Maintenance
		To:	A.3310.0215	Traffic-Signs
	\$56.62	From:	A.5010.0210	Hwy. Other Equipment
		To:	A.5010.0400	Hwy. Office Supplies
	\$353.37	From:	A.5132.0422	Hwy. Garage Gas
		To:	A.5132.0421	Hwy. Garage Electric
	\$28,265.74	From:	DA.5130.0144	Machinery Labor
		To:	DA.5140.0144	Brush-Labor
	\$80.00	From:	DA.5140.0419	Brush – Other Expenses
		To:	DA.5140.0420	Brush – Animal Remains
	\$3,915.05	From:	DA.5130.0144	Machinery Labor
		To:	DA.5142.0144	Snow – Labor
	\$40,883.79	From:	DA.5142.0402	Snow – Supplies
		To:	DA.5142.0144	Snow – Labor
	\$61,902.72	From:	DA.5110.0472	Stone, Gravel
		To:	DA.5140.0400	FEMA Storm Expenses
Parks & Grounds	\$98,114.77	From:	DA.5110.0144	Highway – Labor
		To:	DA.5140.0148	FEMA Storm Labor
	\$4,319.16	From:	DA.5120.0149	Bridge – Labor
		To:	DA.5140.0148	FEMA Storm Labor
Compost Site	\$36,165.59	From:	A.7110.0144	Parks – Labor
		To:	A.7110.0149	Parks – Part Time
	\$2,071.83	From:	A.7110.0421	Parks – Electric
		To:	A.7110.0423	Parks – Water
	\$7,869.50	From:	A.7110.0475	Parks – Gasoline
		To:	A.7110.0449	Parks- Channel Clean
Compost Site	\$3,100.00	From:	800.8261.0401	Facility Supplies
		To:	800.1861.0111	Crew Chief Salary
	\$6,500.00	From:	800.1861.0443	Equipment Maintenance
		To:	800.8161.0149	P/T Help
	\$10,620.00	From:	800.8161.0250	General Equipment
		To:	800.8161.0416	Gas, Fuel, Oil, Anti-Freeze
	\$130.00	From:	800.8161.0401	Facility Supplies
		To:	800.8161.0420	Telephone
	\$50.00	From:	800.8161.0401	Facility Supplies
		To:	800.8161.0423	Water
	\$8,900.00	From:	800.8161.0250	General Equipment
		To:	800.8161.0440	Equipment Rental

And be it further

**RESOLVED**, that the Town Board does hereby authorize the following transfer of appropriations within the Town's 2007 Budget to cover the following costs:

**Engineering Department**

**Increase appropriations account:**

A.1440.0400 Engineering Office Supplies \$2,500.00

**Decrease appropriation account:**

A.1670.0400 Central Office Supplies \$2,500.00

**The resolution was unanimously adopted.**

Supervisor Travers Murphy stated she has been in contact with Eric Racoon from Benderson Development regarding the Latina's empty building in the Plaza. They are trying to attract new tenants to accommodate the residents. Supervisor Travers Murphy thanked Orchard Park resident, Jeff Markarian, the owner of *Markarian Rugs*, for his generous donation of a \$4,200 Persian rug for the Jolls House. She thanked the Highway Department for the superb job snowplowing after the heavy snowfall last week. Supervisor Travers Murphy stated that NYSEG has been trimming trees to alleviate the power outage problems in the Eagle Heights area. She stated that Time Warner Cable has responded favorably in regard to broadcasting the Town Board meetings as requested by some residents. The High School Principal has also been contacted to see if there Audio Visual Department would be interested in taping the meetings.

Councilwoman Ackerman reported that the Historical Society has donated a refinished and reupholstered bench to the Municipal Center located in the back hallway. Dr. Jolls and his associates originally donated it to the Elks Club. The American Public Works Association has awarded the Orchard Park Johnson Jolls House with its Historical Award, due in large part to Town Engineer Bieler. Mr. Bieler applied for a grant and obtained money to renovate the exterior of the Johnson Jolls House in accordance with Historical restoration guidelines. The plaque will be displayed in the hall by the Engineering Office. Councilwoman Ackerman reported on her tour of Materials Recovery Facility, which is where the sorting of recyclables takes place. There is a MRF associated with N.E.I., which is the Town's garbage collection company. This facility is located in Geneva, NY and it is an automated state of the art German technological operation. Councilwoman Ackerman stated that when the new recycling program is up and running, collection of curb site recycling will be much easier because it will be commingled separately from the refuse. There will be a reward system based on the weight of the recycling material. It is a very innovative program which is very progressive and should please the residents.

Councilman Kaczor complimented Supervisor Travers Murphy in regard to the Benderson issue. He stated that the Town needs to keep up the pressure on Benderson to insure the facade improvements continue and to expand their effort to get some smaller shops in the Plaza. He thanked Highway Superintendent Piasecki and the Highway Department, Chief McCune and the Police Department and the Fire Department for their great effort with the winter weather cleanup and related issues. Councilman Kaczor announced the OP Recreation's Annual Family Roller Skate on February 10<sup>th</sup>, from 7 PM to 10 PM sponsored by Frank Young's Sports Arena, OP Jaycees, OP Highway Department, Verizon, Pepsi, OP Pediatrics and Cappelli's Pizza. He wanted to thank all the sponsors who made this activity possible. He stated that the Spring Brochures will be sent through the mail next week.

Councilman Dietrick stated that cooperation between government, businesses and non-profit organizations is beneficial to the Town.

Highway Superintendent Piasecki reported on the snow removal in the town.

Town Engineer Bieler reported that the Ponderosa pump station went down Friday, as well as the back up pump. The Sewer and Water Department have been using the portable pump, but it should be up and running in a few days.

19) 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 approval of all entries on Warrant #3 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$182,402.38
<b>Part Town Fund</b>	\$6,264.78
<b>Risk Retention</b>	\$0.00
<b>Cemetery Fund</b>	\$0.00
<b>Highway Fund</b>	\$65,715.18
<b>Special Districts</b>	\$327,469.81
<b>Trust &amp; Agency</b>	\$13,033.42
<b>Capital Fund</b>	\$16,584.11

**The resolution was unanimously adopted.**

#### **Receive & File Communication and Reports**

20) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN ACKERMAN, 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: The Village of Orchard Park Zoning Board is holding a Public Hearing, Wednesday, February 28, 2007, at the Municipal Center, 4295 S. Buffalo Street, on the application made by the Orchard Park Country Club to construct an addition on an existing structure which will total the sq. ft. to 1,584. Code stipulates the maximum size of an accessory structure in an R-1 Zone is 600 sq. ft., and be it further

**RESOLVED**, that the Town Board does hereby receive and file the following Reports listed on the agenda: the Building Inspector's New Construction Report from 1997 to 2006 cont'd and the Chief of Police's Monthly Report for January 2007.

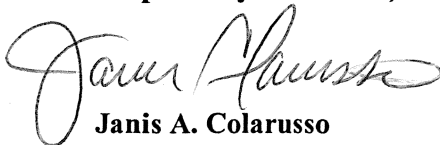
**The resolution was unanimously adopted.**

#### **BUSINESS FROM THE FLOOR**

No one spoke from the floor.

There being no business from the floor, on motion by Councilman Dietrick, seconded by Councilman Kaczor, to wit: the meeting was adjourned at 7:55 PM (local time).

**Respectfully Submitted,**



**Janis A. Colarusso**  
**Town Clerk**