

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 5th day of March 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
Nancy Ackerman	Councilwoman
David Kaczor	Councilman
Edward Graber	Councilman
Janis Colarusso	Town Clerk
Leonard Berkowitz	Town Attorney
Andrew Geist	Building Inspector
Andrew Benz	Chief of Police
Frederick Piasecki, Jr.	Highway Superintendent
Wayne Bieler	Town Engineer
ABSENT: Mark Dietrick	Councilman

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."*

Old Business #1 Schedule Public Hearing for a Conservation Easement; Mrs. Joyce Rettig

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

RESOLVED, that the Town Board is hereby authorized to schedule a Public Hearing for Wednesday, April 2, 2008 @ 7:00 PM, regarding a Conservation Easement for Mrs. Joyce Rettig, 5259 Bussendorfer Road, for 22.99 acres of land, 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-Tabled: Schedule a Public Hearing for April 2, 2008 @ 7:00 PM; regarding & recognizing the Historic significance for the Yates "Edgewood Farms" barn on Jewett Holmwood Road.

New Business #2 Award Bid For the 2007 Building Improvements Projects

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

WHEREAS, sealed bids for the 2007 Building Improvements Project were opened on March 5, 2008, at the advertised time in the Orchard Park Municipal Center, and

WHEREAS, the project was bid in four divisions as required by State Law: General Construction, HVAC, Plumbing, and Electrical and the General Construction bid included a base bid and one Alternate Bid as directed by the Town Board to give the Town flexibility modifying the scope of the project to include an addition to the Dog Pound, and

WHEREAS, the Engineering Department has reviewed the bids of the thirteen contractors who submitted bids, of which there were: five (5) General Construction bids; three (3) Plumbing bids; one (1) HVAC bid and four (4) electrical bids, and

WHEREAS, the low bids for the Base Bid general Construction, HVAC, Plumbing, and Electrical divisions were \$484,500.00, \$66,300.00, \$93,500.00 and \$53,700.00 respectfully, with the low bidders for the project; NewCal Construction, Inc., Greater Niagara Mechanical, MKS Plumbing and CIR Electrical, respectfully, and the total construction cost for the Base Bid General Construction plus HVAC, Plumbing, and Electrical for a combined bid of \$698,000.00, and

WHEREAS, the low bids for the Base Bid plus the Alternate General Construction, HVAC, Plumbing, and Electrical divisions were \$520,500.00, \$81,800.00, \$97,980.00, and \$58,500.00 respectfully, with the low bidders for the project were again; NewCal Construction, Greater Niagara Mechanical, MKS Plumbing and CIR Plumbing, and Electrical is \$758,780.00, and

WHEREAS, the Town has allocated \$201,165 under Capital account H-07 for the "Town Park Improvements: for the Bathhouse and Splash Pad, \$617,332 under Capital Account H-42 "Compost Site Acquisition & Development" for the Compost Pole Buildings, \$825,058 under Capital Account H-48 "District Wide Water Improvements" for water main extensions, \$282,416 under Capital Account H-05 "Highway Bldg. Repair/Expansion & Addition" for Highway Garage improvements.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby award the following bid contracts for the 2008 Building Improvement Projects to the lowest responsible bidders as follows:

- **General Construction:** New Cal Construction, Inc. 10994 Tinkham Road, Darien New York 14040, in the amount of \$520,500 with Alt #1
- **HVAC:** Greater Niagara Mechanical, Inc., 7311 Ward Road, Tonawanda New York 14120, in the amount of \$81,800 with Alternate #1
- **Plumbing:** MKS Plumbing Corp, 19 Ransier Drive, West Seneca New York 14224, in the amount of \$97,980 with Alt. #1
- **Electric:** CIR Electrical Construction Corporation, 400 Ingham Avenue, Buffalo New York 14218, in the amount of \$58,500 with Alt. #1

The resolution was unanimously adopted.

New Business #2-Tabled: Award the Contract for 2007 Utility Improvements Projects including Highway Garage Utility Improvements, Compost Waterline Ext. & Hydrant and Yates Park Waterline.

New Business #3 Schedule a Public Hearing for a Local Law; Right-To-Farm-Legislation

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

RESOLVED, that the Town Board is hereby authorized to schedule a Public Hearing for Wednesday, April 16, 2008, @ 7:00 PM, for a Local Law for the Year 2008: *Establishing Right-To-Farm-Legislation*, 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 Refer-Planning Board and/or Conservation Board

4) 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 refer to the Planning Board and/or Conservation Board the following item listed on the agenda: The Pines of Murphy Road Senior Living Community; petition for Designation as a Senior Residential District, Zoned R-3, former site of the Convent.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Deborah Yeomans – Ms. Yeomans had questions regarding recreation buildings.

Tom Casey – Mr. Casey stated that the rezoning of the WalMart site is an excellent example of how important the rezoning of a property is, because if this property had not been rezoned, there would be no need to address WalMart issues. It also shows how the rezoning of a property can change the value of a property. Mr. Casey also had 4 requests regarding the WalMart SEQR project: Hire a competent engineering firm who is well versed in this type of project to review the SEQR information for the Town; Use the correct SEQR form for this project; Insure the SEQR form parts 2 & 3 are completed by the Town and not the developer, which is required by law; and Respect and address the Planning Board's concerns regarding this project.

Sal Cerrone – Mr. Cerrone stated that he has been attending meetings to complain about the overdevelopment in the Northwest section of Town, and asked how it became designated that this area is to be "Amherst South". Mr. Cerrone stated that after 10 years, the Lockport WalMart built a new store and abandoned the old one leaving it vacant for over two years. He also said that he had read in the Buffalo News that Hamburg has in their Zoning Laws a clause stating that if a building is vacant over one year, the owner has to demolish and remove the structure. He feels that Orchard Park should adopt a similar law, or require a bond to bring the land back to original condition in case any large retailer decides to pull out of Orchard Park.

Elected Officials & Department Heads

Budget Transfers

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

WHEREAS, the Town wishes to provide funding for required technology replacements and upgrades, and

WHEREAS, the Town Board committed to the annual funding of technology requirement, but did not provide for the appropriate transfer in the 2008 adopted budget, and

WHEREAS, the Town's financial position at the end of 2007 was better than anticipated, which allows for the funding of technology needs.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the amending of the 2008 budget as follows:

Increase: A0960.9901 Appropriation – Transfers Out \$25,000.00

Increase: A0599.0000 Appropriated Fund Balance \$25,000.00

BE IT FURTHER RESOLVED, that the Town Board does hereby authorizes the transfer of \$25,000.00 to the Computer Assets Capital Project (projectH67) and

BE IT FURTHER RESOLVED, that the Town Board does hereby authorize the following:

- A transfer of \$250,000 from the General Fund, fund balance previously designated for capital improvements (which was previously \$1,000,000 will be reduces to \$750,000) to Capital Project H09 – Land Acquisition to assist with the funding of the Quaker Settlement purchase.
- A transfer of \$121,977.74 from project H64 – South Lane, North Lane and Nieman Drive to project H72 – Short Drive Road Construction.

The resolution was unanimously adopted.

Highway Superintendent Piesecki stated that the Governor is looking to cut the CHIPS (Consolidated Highway Improvements Program) funding to local municipalities around 4 to 5 %, which will hurt the Villages, Towns and Counties. The Association of Highway Superintendents is opposed to this and has a contingency in Albany to promote the increase in funding, and halt the cuts. Mr. Piesecki stated that he will know more after the Highway Superintendents executive meeting later this week.

6) 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 #5 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$39,569.63
Part Town Fund	\$409.96
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$28,636.03
Special Districts	\$296,655.21
Trust & Agency	\$5,007.20
Capital Fund	\$9,675.45

The resolution was unanimously adopted.

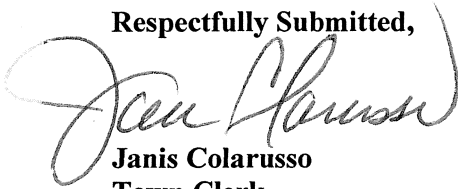
7) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN ACKERMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN GRABER, TO WIT:

RESOLVED, that the Town Board does hereby receive and file the following Reports listed on the agenda: Building Inspector's Monthly Report & Building Permits for February 2008 and the Town Attorney's New York State Association of Town Conference Report for 2008.

The resolution was unanimously adopted.

There being no further business, on motion by Supervisor Travers Murphy, seconded by Councilman Graber, to wit: the meeting was adjourned at 7:24 PM (local time).

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Janis Colarusso", written in a cursive style.

**Janis Colarusso
Town Clerk**

