

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 7th day of March 2007 at 7:00 P.M., (local time). 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
	Deborah Yeomans	Councilwoman
	Janis Colarusso	Town Clerk
	Leonard Berkowitz	Town Attorney
	Andrew Geist	Building Inspector
	Samuel McCune	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."*

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 February 21, 2007 and the Executive Session Minutes for February 21, 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 Local Law for the Year 2007; **Amendments to the Historic Preservation Law**, which provides as follows:

Repeal §74-5 F.(2) and replace §74-5 F.(2) as follows: Recommend designation of properties that meet certain criteria establishing their local, statewide, regional and/or national importance, any one of which shall be sufficient to designate the property as a historic site.

Repeal §74-5 F.(5) and replace §74-5 F.(5) as follows: To grant or deny Certificates of Appropriateness, subject to review by the Building Inspector who may override the decision of the Board only in the event of an emergency.

Repeal §74-5 F. (7) and replace §74-5 F. (7) as follows: To designate historic districts which shall be areas of the community that convey a certain historic sense or impression.

RESOLVED, that the Town Board does hereby authorize the Final Change Order Release of Retention for the contract with R.B. Mac Construction Co., Inc., P.O. Box 424, Lockport, NY 14095-0424 for the Milestrip Road Sports Complex Pavilion, New Pavilion-General Contract in the amount of \$19,075.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #2 Dedication for PIP 2006-02 Quaker Crossing East & West/Sanitary Installation

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

WHEREAS, on March 2, 2007, a final inspection was conducted of the public improvements constructed on the Quaker Crossing East and West Water and Sanitary Sewer Installation Project. The project consists of the installation of 1,325 linear feet of public sanitary sewer mainlines and 1,030 linear feet of public water mainline to serve Quaker Crossing East and West commercial plazas, and

WHEREAS, all work has been satisfactorily completed in accordance with Town specifications with the exception of sanitary manhole repairs, final grading and seeding in all areas of disturbance and pavement and gutter repairs which will be completed when the weather permits. The Town is in receipt of \$3,500 cash security for sanitary manhole repairs, \$5,000 cash security for grading and seeding and \$5,000 for pavement and gutter repairs, and

WHEREAS, a two-year maintenance bond in the amount of \$110,000.00 has been submitted along with all other necessary documents

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 Quaker Crossing East and West Water and Sanitary Sewer Installation Project constructed under PIP #2006-02 and authorize the Town Clerk to release the performance security in the amount of \$22,000.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #3 Supervisor to sign Agreement for Professional Services/Design in the Police Dept.

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

WHEREAS, the Town has received a proposal for the Alterations to the Orchard Park Police Department from Robert J. Gill Architects and this work would involve the development of Design and Construction Documents based on the preliminary design developed by the Engineering Department with the Police Chief, and

WHEREAS, the Town Engineer has met with representatives of the firm to review the contract language, define a scope of services and negotiate an appropriate fee structure. The proposed scope of services and agreement with Robert J. Gill Architects is satisfactory and will accomplish the goals of the project as set forth by the Town. The work has been organized into three major work elements: Preliminary Design, Construction Documents and Project Administration, with an estimated total cost of \$4,950.00 plus twenty dollars per set of plans a fee 10 sets

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with Robert J. Gill Architects, 786 Terrace Blvd., Depew, NY 14043, to provide professional services for Design and Construction Documents for the Orchard Park Police Department Alterations in the amount not to exceed \$5,250.00 as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #4 Supervisor to sign Agreement for the 2007 Fireworks Display for the 4th of July

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the contract between the Town of Orchard Park and Skylighters of Western New York, Inc., for the 2007 Fireworks Display, not to exceed \$5000.00, for the 4th of July.

The resolution was unanimously adopted.

New Business #5 Supervisor to send a Letter to US Postal Service for Placement of Mailbox

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

WHEREAS, the Public Safety Committee has reviewed the request from Robert Schultz, 4521 Duerr Road to review the visual obstruction caused by the placement of a mailbox near his property, and

WHEREAS, the Public Safety Committee has determined that this would be a matter for the U.S. Postal Service rather than the Town of Orchard Park Highway Department or the Erie County Department of Transportation

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to send a letter to the U.S. Postal Authority for assistance in the matter of the placement of a mailbox near the property of Robert Schultz, 4521 Duerr Road, which has caused visual obstruction, as recommended by the Public Safety Committee.

The resolution was unanimously adopted.

New Business #6 Town Board to adopt a Traffic Order to Erect a "Dead End" Sign on Eaglebrook

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

WHEREAS, the Public Safety Committee has reviewed the request from Ronald Stadelmaier, 73 Eaglebrook Drive to move the "Dead End" and "Area Speed Limit" signs further down the street on Eaglebrook Drive and add a "Children at Play" sign, and

WHEREAS, the Public Safety Committee has determined that the signs posted are properly placed, and that another "Dead End" sign placed at the last curve before the end of the street would be helpful to motorists.

NOW, THEREFORE, be it

ORDERED, that the Town Board is hereby authorize to adopt a traffic order to erect a "Dead End" sign at the last curve before the end of Eaglebrook Drive in the Town of Orchard Park, as recommended by the Public Safety Committee, and be it further

ORDERED, that the Orchard Park Highway Superintendent is herby directed to post the proper signs as set forth.

The resolution was unanimously adopted.

New Business #7 Town Board to Adopt a Resolution in Support of a change to "County Tax Act"

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

WHEREAS, the Erie County Tax Act sets the assessment calendar as follows:

Valuation Date	May 1 st
Taxable Status Day	May 1 st
Tentative Roll Filed	May 24 th
Grievance Day	1 st Tuesday in June
Final Roll Filed	July 1 st

AND WHEREAS, the Erie County Assessors' Association has adopted a resolution requesting the Erie County Legislature to revise the Erie County Tax Act with the following assessment calendar:

Valuation Date	March 1 st
Taxable Status Day	March 1 st
Tentative Roll Filed	May 1 st
Grievance Day	4 th Tuesday in May
Final Roll Filed	July 1 st

AND WHEREAS, all but three counties in New York State utilize an assessment calendar set forth in Real Property Tax Law (State Calendar) and, the revised calendar as set forth by the Erie County Assessors Association is similar to the State Calendar, and

WHEREAS, the State Calendar has served the communities within New York State well and has had a positive effect on the assessment function,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Orchard Park recognizes the benefits of utilizing the revised assessment calendar and supports the Erie County Assessors Associations petition to the Erie County Legislature to adopt the revised assessment calendar effective January 1, 2008, and be it further

RESOLVED, that the Town Clerk forward a copy of this resolution to the Clerk of the Erie County Legislature and the Honorable County Legislator John Mills.

The resolution was unanimously adopted.

New Business #8 Town Board to support "Internet Sex Offender Legislation"

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

WHEREAS, many sex offenders utilize computers and the internet to anonymously communicate with children using fictitious identities in order to entice children to meet with them with the ultimate goal of engaging in sex with children, and

WHEREAS, the incidence of this illegal and immoral crime against our children has increased dramatically, and

WHEREAS, something must be done to protect our children from this type of criminal behavior, and

WHEREAS, State Assemblyman Mark Schroeder (D-Buffalo) has sponsored a bill in the State Assembly (A.12114) which would enact a new law (Article 495-Computer Sex Crimes Against Children) to make it a separate crime to use the internet to commit a sex crime against a children and to deem such crime to be subject to a more severe criminal penalty, and

WHEREAS, this board feels that this proposed legislation is worthwhile and would add an additional deterrent to sex offenders in New York State,

NOW, THEREFORE, be it

RESOLVED, that this Town Board hereby memorializes the New York State Legislature and Governor to enact Assembly No. 2114 to mandate stricter penalties for people who use the internet to commit sex crimes against children, and be it further

RESOLVED, that the Town Clerk be and is hereby authorized and directed to send certified copies of this resolution to Assemblyman Mark Schroeder, Senator Dale Volker and Governor Elliot Spitzer, and also to all municipalities in Erie County.

The resolution was unanimously adopted.

New Business #9 OP Recreation Department Winter 2007 Staff Appointment

13) 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 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	Rate
Heather Urbank	14136 Hillview Ave., Collins NY 14034	PT2-B	Att.	9.00
Gretta Hanson	36 Suburban Ct., West Seneca NY 14224	PT2-B	Att.	9.00
Matthew Kordrupel	6243 Boston Ridge Road	PT1-C	Att.	8.00
Jacob Krezmien	155 Garry Drive, West Seneca NY 14224	PT1-C	Att.	8.00
Jamie Keats	133 S. Lincoln Avenue	PT2-D	Att.	9.50
Megan Igoe	6114 Berkley Drive	PT1-C	Lg.	8.00

The resolution was unanimously adopted.

New Business #10 Town Engineer requesting to attend a Public Works Management Seminar

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

RESOLVED, that the Town Board does hereby authorize the Town Engineer, Wayne Bieler, to attend a Public Works Project Management Seminar by PSMJ's and APWA on April 5 & 6, 2007, as budgeted for 2007.

The resolution was unanimously adopted.

New Business #11 Town Clerk requesting to attend the NYS Town Clerk's Association Seminar

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

RESOLVED, that the Town Board does hereby authorize the Town Clerk, Janis Colarusso, to attend the 25th Anniversary for the 2007 Annual Conference of the New York State Town Clerks Association, to be held in Rochester, April 29 through May 2, 2007, as budgeted for 2007.

The resolution was unanimously adopted.

New Business #12 Refer to the Planning Board and/or Conservation Board

16) 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: Wal-Mart Superstore, vacant land south side of Milestrip Road, Zoned B-1 to develop 134,088 square feet +/- store with a retail department, grocery department, pharmacy and a partially enclosed garden center.

The resolution was unanimously adopted.

ELECTED OFFICIALS AND DEPARTMENT HEADS

Supervisor Travers Murphy stated she, Councilwoman Ackerman and her Secretary, Roberta Buczkowski, were working with the Natural Environmental, Inc., the Town's current garbage pickup contractor, to resolve complaints and problems regarding recycling and trash pickup.

Councilwoman Ackerman expanded upon the new program that would be implemented by N.E.I. after the collection issues are resolved. Then she stated with the pre-media attention about the Wal-Mart Superstore, she asked the representatives for the Wal-Mart Superstore to give a brief presentation of the project. She encouraged Mr. Buchheit, the developer, to hold an informational meeting to answer questions that the public might have. At this time, Councilwoman Ackerman introduced the developer of Quaker Crossing and his team of architects, Peter Giovenco & Steve Thompson from Bergmann Associates and Elisa Tsang who is with APD Engineering.

Supervisor Travers Murphy asked Mr. Giovenco how long he and his team planned on addressing the Town Board this evening. She stated she and the other board members were not made aware that the group would be giving any kind of presentation, as it was not on the agenda. When Mr. Giovenco asked if the Town Board was interested in or had any questions on the traffic study, Supervisor Travers Murphy stated that she had many questions, but tonight was not the time or place to address them.

Mr. Giovenco stating this evening the reason why the Wal-Mart Corporation chose to locate in Orchard Park was that they have decided to slow the growth of Sam's Clubs, in Western New York, and fill the void left by the closing of the McKinley Parkway Wal-Mart store. Since the Sam's Club is not going to be built, Wal-Mart wanted to take advantage of the opportunity to construct a super center. The site plan would be compliant with the zoning and the building facade would compliment the characteristics of the Quaker Crossing Development. One of the last comments Mr. Giovenco stated to the Town Board is that they should refer to their packets which gives them a full description of the project.

Councilwoman Yeomans and Councilman Kaczor stated that they had not received any packets regarding the project. Councilwoman Yeomans also stated she was very disappointed in the way this was handled for she too did not have any clue this presentation was going to be giving this evening.

Councilman Kaczor recognized and congratulated the two new D.A.R.E. Officers, Leonard Govenettio and Patrick Fitzgerald. Councilman Kaczor stated that Verizon has provided Orchard Park with \$5000 to set up its first Wi-Fi district, which will be installed at the Yates Park Recreation Building. When operational, residents will be able to visit the Recreation Building and surrounding park grounds and have access to the internet via their laptop computers. The Western New York Wi-Fi Association is providing the Town with technical assistance and hope to be operational by this summer.

17) 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 appoint Lawrence Christ and Ed Duestch to the Insurance Review Committee.

The resolution was unanimously adopted.

Councilman Kaczor (in response to a written article about Orchard Park from a realtor's perspective) stated he discussed the stringent zoning and building regulations we have in Orchard Park and makes no apology for them.

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

WHEREAS, the Town Board in a resolution this evening appointed Lawrence Christ and Ed Duestch to the Insurance Brokers Committee, and

WHEREAS, by making these appointments the Town Board expanded the number of members for the Insurance Review Committee, and

WHEREAS, the Town Attorney stated if the Town Board wants to expand the Insurance Review Committee from a five (5) member board to a six (6) member board they need to adopt a resolution.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby amend Section §17-1.A of the Town Code of Ordinance for the Town of Orchard Park to expand the Insurance Review Committee from a five (5) member board to a six (6) member board, as recommended by the Town Attorney.

The resolution was unanimously adopted.

19) 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 the Supervisor to execute the deed to convey to the Town the one foot strip of land parallel to Milestrip Road by Quaker Crossing and that Quaker Crossing convey to the Town the one foot strip of land that goes around their property, as recommended by the Town Attorney.

The resolution was unanimously adopted.

Highway Superintendent Piasecki submitted the 2006 Compost Facility Summary Report of \$93,147.33, including product sales for the year and October 2006 Storm tipping fees. He reported that on February 22, 2007 the Town received the first check from FEMA for \$27,822.68 for the first phase of the October Storm. Highway Superintendent Piasecki stated that the Town will receive a \$52,000 State Grant from Senator Volker's office for Emergency Preparedness.

20) 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	\$67,334.21
Part Town Fund	\$1,036.15
Risk Retention	\$3,292.28
Cemetery Fund	\$0.00
Highway Fund	\$39,088.60
Special Districts	\$37,180.38
Trust & Agency	\$919.86
Capital Fund	\$67,041.49

The resolution was unanimously adopted.

Receive & File Reports

21) 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 & file the following report listed on the agenda: Chief of Police's Monthly Report for February 2007 and Compost Facility Summary Report for 2006.

The resolution was unanimously adopted.

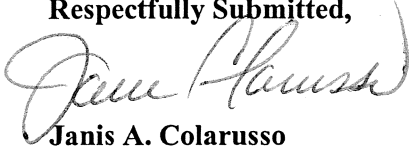
BUSINESS FROM THE FLOOR

Robert Frantsits, 4270 California Road: Mr. Frantsits asked about an informational meeting and subsequent meetings regarding the proposed Wal-Mart Superstore.

Tom Leone, 5581 Lake Avenue: Mr. Leone does not feel that Orchard Park needs a Wal-Mart Superstore and has enough retail stores.

There being no more business from the floor, on motion by Councilwoman Ackerman, seconded by Supervisor Travers Murphy, to wit: the meeting was adjourned with a moment of silence in memory of Lorraine Biryla who recently passed away at 8:05 PM (local time).

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Janis A. Colarusso".

Janis A. Colarusso
Town Clerk

