

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 4<sup>th</sup> day of April 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
	Leonard Berkowitz	Town Attorney
	Andrew Geist	Building Inspector
	Samuel McCune	Chief of Police
	Frederick Piasecki, Jr.	Highway Superintendent
<b>ABSENT:</b>	Wayne Bieler	Town Engineer

**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 March 7 & 21, 2007 and the Executive Session Minutes for March 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.**

**New Business #1 Approve Final Change Order Release of Retention for Milestrip Sports Complex**

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

**WHEREAS**, the construction work on the Milestrip Road Sports Complex; New Pavilion-Electric Contract has been completed. 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 \$20,590.00 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 the final payment and release of retention to Tunney Electric, Inc., 8565 Roll Road, Clarence Center, NY 14032, for the Milestrip Road Sports Complex, New Pavilion – Electric Contract in the amount of \$ 1,894.00, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #2 Approve the 2007 Stable Permit for Hammersmith Farms, 6243 Benning Road**

3) 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 2007 Stable Permit for Hammersmith Farms, 6243 Benning Road, as recommended by the Building Inspector.

**The resolution was unanimously adopted.**

**New Business #3 & 4 Proclamation Declaring May Motorcycle Safety and Awareness Month**

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

**WHEREAS**, May 2007, New York State Governor, Elliott Spitzer, will make his annual proclamation declaring the month of May, Motorcycle Safety and Awareness Month, and

**WHEREAS**, the Buffalo/Erie County Chapter of “American Bikers Aimed Toward Education”, (ABATE) will celebrate the 19<sup>th</sup> Annual Event, Saturday, May 5<sup>th</sup> at the Woodlawn State Park, Route 5, Woodlawn New York, and

**WHEREAS**, as of 2006, there were 2,772,779 registered motorcycles and 593,268 licensed riders in New York State. ABATE of New York wants to remind all motorists to be more aware of motorcyclists and to respect their rights to safely ride on the highways in this month and throughout the riding season, and

**WHEREAS**, they have extended an invitation to all elected officials in Erie County and respective State Officials to attend and express their opinions on the subject of highway safety, as it relates to motorcycles, and the American Bikers invites all municipalities to proclaim May as Motorcycle & Awareness Month

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby designate and declare May as “*Motorcycle Safety and Awareness Month*”. Please spread the word throughout the Town of Orchard Park for highway safety as it relates to motorcycles too, and be it further

**RESOLVED**, that the Town Board does hereby proclaim the week of May 16<sup>th</sup> through May 27, 2007 as “*Safety Week*”.

**The resolution was unanimously adopted.**

**New Business #5 Appointment of Peter Swartwout to the Trails Task Force**

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

**RESOLVED**, that the Town Board does hereby appoint Peter Swartwout, 30 Green Lake Drive, to the Trails Task Force, as recommended by the Chairperson, Anne Bergantz.

**The resolution was unanimously adopted.**

**New Business #6 Ethics Recommendations from the Ethics Board**

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

**WHEREAS**, the Town Ethics Board in July, and again in November of 2006, recommended that the Town Board add a new section to the Town Ethics Code that would eliminate any individuals who holds an officer position in any political party shall not hold a paid position in Town Government in the Town of Orchard Park, and

**WHEREAS**, the new ordinance would read "No person shall be appointed to a Town position while serving as an officer of any political party. Should said person wish to accept a position with the Town, he/she must resign from serving as an officer of said political party, and

**WHEREAS**, at the March 21, 2007 Town Board Meeting the following motion was offered by Councilwoman Yeomans, seconded by Supervisor Travers Murphy, and "tabled" by Councilmember(s) Kaczor, Dietrick and Ackerman: *Schedule a Public Hearing for Wednesday, April 18, 2007 @ 7:00 PM, at the Orchard Park Municipal Center, for an Amendment to the Town Code of Ordinances, Chapter 12: Ethics- Add Section 12.2L, and*

**WHEREAS**, Councilwoman Yeomans stated the most important commitment to the residents is the trust they put in the Elected Officials. By removing the table to discuss the recommendations would encourage faith to this board. She stated Legislator John Mills was quoted by saying "*holding public hearings before voting on local law makes certain positions less politically influenced and making financial decision more transparent to the public are a good start to making your county government more accountable.*"

**NOW, THEREFORE be it**

**RESOLVED**, that Councilwoman Yeomans requests that the Town Board reconsider the "table" to schedule a Public Hearing in order to openly discuss and consider the recommendations the Ethics Board gave to the Town Board in the Year 2006.

Councilman Kaczor stated he would be voting against this motion. His reasons are as follows; He stated at last Wednesday's Town Board work session the recommended changes given by the Ethics Board to the Town Code of Ethics were discussed. The Town Board went through nine (9) of the twelve (12) issues. He believes all issues from the Ethics Board and other areas of the Ethics Code need to be discussed. He stated all Board Members are in deep discussion in areas of the code that need more time before a public hearing can be held. He hopes the board will work with him for he has concerns of all involved.

Councilwoman Ackerman stated she asked for clarification for the language on some of the recommendations from the Ethics Board. She stated the Town Board was not in receipt of that letter until after the meeting last week. She requested the Town Attorney put together in proper language, the nine (9) items they discussed last week for a public hearing. She stated there are items the Town Board Members brought to the table that still need to be discussed. She once again stated she wants all recommendations completed before a public hearing is scheduled for it is very costly to hold one. She stated they will discuss it at the next Town Board Work Session.

Supervisor Travers Murphy stated she has done a lot of investigation and feels the recommendations from the Ethics Board is crafted specially to prevent corruption, favoritism, undo influence, abuse of official position and the appearance of impropriety. She stated numerous municipalities have adopted this language and she would love to hear from the public.

**The following vote is to remove the table:**

Supervisor Travers Murphy	Yea
Councilwoman Ackerman	Nay
Councilman Kaczor	Nay
Councilman Dietrick	Nay
Councilwoman Yeomans	Yea

**The resolution was duly adopted.**

**New Business #7 Appointment of Raven Freeman to the position of Clerk in the Police Department**

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

**RESOLVED**, that the Town Board does hereby appoint Raven C. Freeman to the full-time position of "Clerk" within the Orchard Park Police Department, Range 0003, Step A, of the White Collar Bargaining Agreement, as recommended by the Chief of Police.

**The resolution was unanimously adopted.**

**(Not on the Agenda) Authorize Supervisor to Sign the Agreement**

8) 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 authorize the Supervisor to sign the Tentative Agreement by and between the Town of Orchard Park and the Civil Service Employees Association, Inc., AFSCME, Local 1000, AFL-CIO/Town of Orchard Park Blue Collar Unit.

Councilman Dietrick stated signing this contract is a huge step for the Town being that Health Insurance was such a big issue. He also stated he was pleased that the Town has agreed to form a health insurance committee. All parties understand that there will be no unilateral changes in the present health insurance coverage until each respective body, Town Board and Town Unions, ratifies new health insurance coverage subject to the terms of the collective bargaining agreement.

**The resolution was unanimously adopted.**

**New Business #8, 9, 10 & 11 Refer to the Planning Board and/or Conservation Board**

9) 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:

- Bryan Young, Young Development, 5245 Murphy Road. Request to rezone property to develop the existing Sanctuary Building into a Senior Housing facility.
- Heritage Centers, 80 Mid County. Request a Change-in-Use and a Building Permit to expand the building and add parking for 38 more vehicles.
- Big "D" Tire, 3691 Southwestern Boulevard. Request to relocate their business and construct a new retail tire store on vacant lot #26 on the North side of Southwestern Boulevard across from Taylor Road, Zoned I-1.
- Eye Care & Vision Assoc. LLP, 3712 Southwestern Boulevard. Request to construct a new facility on vacant land, Zoned I-1, to operate an eye care practice and lease a portion of the building for professional office space.

**The resolution was unanimously adopted.**

**Elected Officials & Department Heads**

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

**Authorize the Transfer of Funds to Baker Road Reconstruction Project**

**WHEREAS**, the Town Board wishes to provide for the additional funding required to complete the Baker Road and Bridges Reconstruction Project (Project H20), and

**WHEREAS**, the Town has the additional funding available in the Capital Fund's Road Reconstruction Project (Project H58),

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the transfer of \$20,000 from the Road Reconstruction Capital Project (Project H58) to the Baker Road and Bridge Reconstruction Capital Project (Project H20).

**Change Name of Project and Use of Funds – Town Lakes & Ponds Water Quality Management**

**WHEREAS**, the Town Board currently has a Capital Project entitled Green Lake Water Quality (Project H30), and

**WHEREAS**, the Town has additional lakes and ponds throughout the Town that also require management of water quality, and

**WHEREAS**, the Town wishes to use the funding available within the Green Lake Water Quality project for all lakes and ponds throughout the Town.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize s a change in the name of Project H30 from Green Lake Water Quality to Town Lakes & Ponds Water Quality Management and authorize the use of Project Funding in accordance with such project title.

**Close the Little League Community Building Construction Project**

**WHEREAS**, the purpose of the Town's Little League Community Building Construction Project (Project H75) has been completed, and

**WHEREAS**, there is a remaining balance in the Project of \$9,730.03, and

**WHEREAS**, the Town wishes to use the remaining funding available for necessary improvements to other Town buildings,

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the closing of the Little League Community Building Construction Project (Project H75) and the transfer of all remaining funds to the Municipal Building Reserve Capital Project (Project H14).

**Resolution to Transfer Funds to Parks Equipment Acquisition**

**WHEREAS**, the Town board wishes to provide additional funding in the Parks Equipment Acquisition Project (Project H46) to fund the construction of a splash pad and bathhouse, and

**WHEREAS**, the Town estimates that additional funding of \$60,000 will be required for these recreation improvements, and

**WHEREAS**, the Town has the additional funding available in the Summit/Lake Avenue Drainage Project (Project H10),

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the transfer of \$60,000 from the Summit/Lake Avenue Drainage Project (Project H10) to the Parks Equipment Acquisition Project (Project H46).

**Authorize a New Capital Project and Transfer Funds for Town's Share of Costs**  
**Chestnut Ridge village Trail Improvements**

**WHEREAS**, the Town wishes to provide from improvements to trails within the Town, and

**WHEREAS**, the Town has received a \$100,000 grant to assist in the cost of improvements to the Chestnut Ridge Village Trail, and

**WHEREAS**, the Town has its matching share of funding available in the Capital Projects General Reserve (Project H27),

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorizes the establishment of a Capital Project entitled "Chestnut Ridge Village Trail Improvements" (Project H80), with authorized appropriations of \$160,000 to be funded with a grant from New York State of \$100,000 and \$60,000 of Town funding, and be it further

**RESOLVED**, that the Town board does hereby authorizes the transfer of \$60,000 from the General Capital Reserve (Project H27) to the newly created Chestnut Ridge Village Trail Improvements Project (Project H80).

**Authorize the Transfer of Funds from Other Projects To Fund  
The Oakwood, Pilger, Glen and Fay Reconstruction**

**WHEREAS**, the Town wishes to provide funding for 2007 planned road reconstruction projects, and

**WHEREAS**, the Town has funding for these road reconstruction projects available in other Capital Project accounts, and

**WHEREAS**, the Town wishes to reallocate this funding,

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorizes the transfer of capital funds as follows:

**Transfer Funds from:**

Project H10	Summit Lake Drainage	\$ 112,288.55
Project H64	South Lane, North Lane and Nieman Drive Reconstruction	\$ 250,000.00
Project H72	Short Drive Road & Drainage	\$ 196,750.09

**Transfer Funds to:**

Project H74	Oakwood, Pilger, Glen and Fay Reconstruction	\$ 559,038.64
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**The resolution was unanimously adopted.**

Councilwoman Ackerman spoke on the importance of Arbor Day on Friday, the 27<sup>th</sup> of April, 2007. There are several celebrations scheduled in the Town beginning at 9:00 AM at the Birdsong Nature Trails and ending at 5:00 PM in McFarland Park with the planting of trees. Councilwoman Ackerman extended and invitation to all the residents to join in on the fun.

Councilman Kaczor stated the Historic Preservation Board will be applying for a Certified Local Government Designation from the State. He stated once this has been achieved, the Town will have the opportunity to move ahead with programs that involve historic preservation.

**11) 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 extend the Contract/Services with GAR, Inc., not exceeding the budget for the authorized purposes, as recommended by the Town Attorney.

**The resolution was unanimously adopted.**

12) 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 Town Attorney to sign the Agreement between the Town of Orchard Park and Bond, Schoeneck & King, PLLC, Key Center, 40 Fountain Plaza, Suite 600, Buffalo NY 14202, to retain their services for the law suit that has been filed in the Town for Donald G. Hoelscher.

**The resolution was unanimously adopted.**

Highway Superintendent Piasecki stated the Town has received their second check from FEMA totaling \$341,609.46, which is Category B. He also stated there still is a little more money coming, but we are very fortunate for we are one of a few Towns that have gotten most of their monies.

**(Not on the Agenda) Yard Waste Recycler-Grinder**

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

**WHEREAS**, in accordance with the equipment replacement program, the Highway Department is looking to purchase a new Yard Waste Recycler Grinder, and

**WHEREAS**, the Highway Superintendent would like to see the Compost Site trade in the existing grinder for the new grinder,

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the Highway Superintendent to proceed in purchasing a New Morbark Wood Hog, Model 6600 for \$544,900.00, with the trade-in of the 2002 Morbark Grinder, Model 5600 for \$175,000.00, with a remaining balance not to exceed \$369,900.00, as recommended by the Highway Superintendent.

**The resolution was unanimously adopted.**

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

**RESOLVED**, that the Town Board does hereby authorize the Highway Superintendent to advertise for bids for "Brush Collection", bids to be opened on Wednesday, April 18, 2007 at 11:00 AM in the Town Board's Conference Room in the Municipal Building.

**The resolution was unanimously adopted.**

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

**RESOLVED** that the Town Board does hereby authorize the approval of all entries on Warrant #7 following auditing by members of the Town Board and in the funds indicated:



General Fund	\$81,710.84
Part Town Fund	\$476.93
Risk Retention	0
Cemetery Fund	0
Highway Fund	\$30,119.79
Special Districts	\$29,699.33
Trust & Agency	\$3,018.98
Capital Fund	\$7,581.00

**The resolution was unanimously adopted.**

#### **Receive & File Communications**

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 receive and file the Communications listed on the agenda:

- The Buffalo News & Kids Day, Tuesday, April 24, 2007; The Departments in the Town of Orchard Park will be selling papers for Kids Day. Please come by and buy a paper!
- Town of Cheektowaga; sent a certified resolution "Memorialize NYS to Enact Bill to Keep St. Joseph's Hospital Open".
- Town of West Seneca: sent a letter stating an application has been made with their Planning Board for a rezoning for property located at 1150 Southwestern Blvd, from C-1 to C-2, for a six mini-storage buildings. The Planning Board will meet Thursday, April 12, 2007 at 7:30 PM at the West Seneca Town Hall, 1250 Union Road, should anyone have any opinion for or against this request, they are welcome to attend.

**The resolution was unanimously adopted.**

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 receive and file the Reports listed on the agenda:

- Chief of Police's Monthly Report for March 2007
- Building Inspector's Monthly Report and Building Permits for March 2007
- Town Attorney's 2007 Report for the 2007 Training School & Annual Meeting for the Association of Towns of the State of New York, which was held February 19, 20 & 21, 2007

**The resolution was unanimously adopted.**

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

**Stephanie Gregorie;** Mrs. Gregorie opposes the development of Wal-Mart on Milestrip Road across from Quaker Crossing. She believes the impact on the area, traffic and traffic lights will be issues in the future. She also believes the quaint little town that was once here is not anymore with big development coming in. She hopes the Town Board will defeat this proposal.

**Raymond Waite;** Mr. Waite stated to the Town Board that he was pleased to hear about the proposal from the Heritage Centers to purchase the property from Jim Ball located at 80 Mid County Drive. He believes this project is light industrial and will not be as intrusive to the area and the residents on Auckland Avenue. Mr. Waite did ask the Town Board to inform the Auckland Avenue residents of other projects that will be developing on the rest of the property that Jim Ball owns, being that the Heritage Group only took half the land.

**Mildred Wutz;** Ms. Wutz opposes the development of Wal-Mart. She believes the super industrial store with a grocery, pharmacy, and vehicle service will hurt the smaller businesses in the area. She does not believe that Wal-Mart has anything to offer for individuals in this area of town.

**Mary Chase;** Ms. Chase opposes the development of Wal-Mart. She stated years ago when the development of Target took place, the Town stated that would be the only development in that area. Her concerns are; traffic, speeding, bike riding and children/kids walking. She believes Amelia Drive should be a dead end street.

**Jim Crow;** Mr. Crow stated he stands by what the Supervisor and Councilwoman Yeomans are trying to do (hold a public hearing) with the updated ethics recommendations from the Ethics Board for all of the Town of Orchard Park Government employees.

**Valerie Venturo;** Ms. Venturo opposes the development of Wal-Mart. She believes it will ruin the present atmosphere of the home town feel of the Village and Town. She believes there has been unethical treatment at Wal-Marts in the past. She stated she has found 99 verdicts against Wal-Mart, which a majority of them are from the employees from Wal-Mart.

**Tony Delmonte;** Mr. Delmonte was pleased that the Town and Union signed the tentative agreement. He stated that he respected Councilman Kaczor, but disagreed with him some on ethical issues.

**Lisa Matwijow;** Mrs. Matwijow stated NYSEG letter dated December 6, 2006, to all Eagle Heights residents about the trimming of trees and getting rid of limbs. She stated this past February, 36 trees have been cut on the south side of the creek at the home she owns on Timberlake. She handed in pictures that showed the trees cut and left, leaving the homeowners to do the cleanup. She asked what was going to be done to stop the soil erosion and why hasn't the clear cutting of these trees been broadened. It ruined the esthetics of the property.

Supervisor told Mrs. Matwijow to call her office tomorrow and she would get a hold of NYSEG to find out what happened. She stated NYSEG has been very responsive.

**Eric Matwijow;** Mr. Mawtijow stated he does not believe NYSEG took any of the lumber his wife is talking about, for he was there just yesterday and nothing has changed. He also asked about the Pilger reconstruction regarding telephone poles. Highway Superintendent Piasecki stated they need to move the poles back in order to reconstruct the drainage and road.

**Robert Frantsits;** Mr. Frantsits made suggestions that the big developers have been giving money to the elected officials. He stated there should be a law against this and the Town Attorney told him there is a law in place already. He had other comments against the development of Wal-Mart.

**Jim Suplicki;** Mr. Suplicki feels Wal-Mart is not such a bad project, especially if the Town collects the taxes from them. He asked the Town Board about the cars that are parked around Town. He also asked the Town Board if there was a permit for the house on California Road near Southwestern that is parking all the cars over there. He believes the Town is getting overrun by new cars.

Councilman Dietrick asked the Building Inspector if there was a parking permit at the California residence.

Building Inspector, Andrew Geist, stated there is a commercial parking permit for this location, but this is a gray area. He also stated he has spoken to the Town Board about these issues in the past, but nothing has been addressed. Councilman Dietrick asked Mr. Geist if some commercial parking permits are used other than parking cars for stadium events.

Councilman Kaczor asked Mr. Geist if he would get some information together and it will be discussed at the next Town Board work session.

**Gordon Farquhar;** Mr. Farquhar stated he always felt Arthur's Hardware Store was the center of Orchard Park. He pointed out the mileage between other existing Wal-Marts in the area to the Arthur's Store. He believes the new Wal-Mart Store will not hurt the area. He stated he was in favor of the new Wal-Mart Store and believes traffic may be an issue, but also believes that area of town can handle it.

**Ron Stadelmaier;** Mr. Stadelmaier asked Councilwoman Ackerman if she could give an update on the Comprehensive Plan. Ms. Ackerman stated all the revisions are coming to completion and a final draft will be put together for the residents to review. Mr. Stadelmaier also stated he too stands by what the Supervisor and Councilwoman Yeomans are trying to do (hold a public hearing) with the updated ethics recommendations. He stated he has been searching the web for Towns & Village and special ethics rules and regulations. He found 4 Villages and 16 Towns in NYS prohibit paid appointments to political party leaders. He also stated out of the 20 Governments, none are located in Erie County except for Clarence who has this stipulation on just the elected officials.

Town Attorney, Len Berkowitz stated there are 916 Towns in New York State that do not have this law.

Supervisor Travers Murphy believes by not having this law in place in many Towns throughout New York State, this is a bad yard stick to measure by. She believes this new law can take government to a brand new level. It can make Orchard Park shine.

Councilman Kaczor stated change is good, but to take and characterize individuals and assassinate them because they are affiliated with a political party is wrong. He believes all individuals who have been appointed to different boards in this Town have good qualifications and have been very active in the community. He stated a good percentage of individuals who are involved in political parties, believe in and want to be involved in the community. They work their way up to have a bigger and greater impact on the community.

Ron Stadelmaier asked Councilwoman Ackerman if she was the official liaison for the Quaker Crossing projects, as the Buffalo New quoted in their paper today.

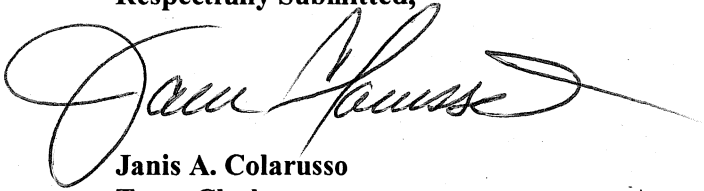
Councilman Kaczor stated Councilwoman Ackerman is a liaison to many groups in the Town. He stated Ms. Ackerman has been involved in many projects. She gives of her time to make sure the Town builds the most aesthetically pleasing development possible for the Town.

Councilwoman Ackerman made a few comments about her involvement as a liaison and Councilmember for the Town Board. She mentioned many projects she has worked on and gave a little history of the Town. She also stated the property across from Target will have a commercial project on it someday. She stated that having commercial and industrial projects in Town offsets the tax base. She commented that if the Town was a bedroom community, we as residents could not afford to live here and need the development.

Councilman Dietrick explained being a liaison to a committee involves a lot of time and energy. He commented on how hard Councilwoman Ackerman works and all the time she puts in.

There being no more business from the floor, on motion by Councilman Dietrick, seconded by Councilwoman Ackerman, to wit: the meeting was adjourned at 8:25 PM (local time).

Respectfully Submitted,

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

Janis A. Colarusso  
Town Clerk