

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 3rd day of May 2006 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 W. Ackerman	Councilwoman
	Stanley A. Jemiolo, Jr.	Councilman
	David R. Kaczor	Councilman
	Mark C. Dietrick	Councilman
	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

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 SUPERVISOR TRAVERS MURPHY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN ACKERMAN, TO WIT:

RESOLVED, that the minutes of the Meeting of the Town Board, held on April 5, 2006, and the Special Meeting/Executive Session(s) for March 22, 2006 and April 25, 2006, 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.

Old Business #1 Joe DeMarco, 3689 California Road Requesting “Change In Use”

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

RESOLVED, that the Town Board does hereby authorize the “Change-In-Use” for Joe DeMarco, 3689 California Road, from cold storage to occupied space. The Planning Board, 5/3/06, recommends approval with the following stipulations:

- This is a Type II SEQR Action and therefore no determination of significance is required.
- There is no change to the interior of the building as it was originally filed.

The resolution was unanimously adopted.

WHEREAS, this program has become an example and a model for all businesses and industries, and has served as a reminder for many of our residents to be more concerned with their own safety at home and at work, and

WHEREAS, it is a pleasure to extend this proclamation on behalf of our Town of Orchard Park to the Western New York Safety Conference, Inc., which will host the 70th Annual Safety Conference and Trades Exhibit at the Grand Island Holiday Inn on May 17 & 18, 2006, and

WHEREAS, the Western New York Safety Conference, Inc., should be commended for its continuing and progressive safety programs, urging our citizens to support all such efforts to promote safety both on and off the job.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Orchard Park, in the County of Erie, in the State of New York, does hereby proclaim the week of May 14th through May 20th, 2006 as "**Safety Week**".

The resolution was unanimously adopted.

New Business #8 Agreement for the Orchard Park Little League Concession Stand & Restrooms

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the Agreement between the Town of Orchard Park and the Orchard Park Little League for the use of the Brush Mountain Park Concession/Restroom Facility.

The resolution was unanimously adopted.

New Business #9 – Item Tabled: Town Board to accept the resignation of Michael R. Merritt from the Town of Orchard Park Board of Ethics.

ELECTED OFFICIALS AND DEPARTMENT HEADS

Orchard Park Chamber of Commerce Citizen of the Year

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

WHEREAS, M.J. Kelley received her BA degree in English Literature from Rosary Hill College. She also earned a temporary certificate through the Intensive Teacher Training Program, established to address the shortage of teachers in New York State, and taught for a semester in West Seneca before moving to Las Vegas, and

WHEREAS, M.J. Kelley, returned to Buffalo two years later to raise her daughter, and

WHEREAS, M.J. Kelley, began her business career managing a medical office, then spent six years working with H & R Block, getting her start with tax preparation. She also managed the Wimbledon Court Apartments for ten years and helped with management of other properties in Amherst, and

WHEREAS, M.J. Kelley, was part of the team that created the Niagara Frontier Builders' Association's Apartment Council and served on its Board, and

WHEREAS, M.J. Kelley, moved to Orchard Park in 1968 and immersed herself in a wide variety of community activities. She retired from real estate in 1982 to devote her time to her new business, M.J. Kelley Accounting & Tax Service, which endures today, and

WHEREAS, M.J. Kelley, through her involvement with numerous community functions, supports a wide variety of organizations, sponsoring a student for the Orchard Park Pride program, working as a long time volunteer rectory worker for Nativity of Our Lord Church, appointed to the Board of Fox Run retirement community, and trustee of the Eugene M. Sullivan, MD Foundation just to name a few.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Orchard Park, in the County of Erie, in the State of New York, does hereby joins with the Orchard Park Chamber of Commerce and many others in congratulating M.J. Kelley who has demonstrated unselfish service and excellence in community involvement for which she is named: *2006 Citizen of the Year*.

The resolution was unanimously adopted.

Orchard Park Chamber of Commerce Business of the Year

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

WHEREAS, Bauer Service, Inc., was incorporated in 1926 by Joe Bauer, an employee of the Standard Oil Company, originally located at Freeman and Ellicott. Joe moved the business to its present site on South Buffalo Street. By its 50th Anniversary, Bauer Service Inc., employed over twenty-five people, operating a tank farm and a fleet of trucks to service more than five hundred commercial accounts throughout Western New York, and

WHEREAS, Joe Bauer died in 1977 at the age of 87 and the service station was purchased by Capriotto & Sons, Inc., and has been a wholly owned subsidiary ever since with Mike Capriotto moving his office to Bauer's and assuming the day to day operations in 1992, and

WHEREAS, Bauer Service, Inc. received the Circle of Excellence Award from Mobil for volume and station appearance for six consecutive years, beginning in 1994 until the final award was presented in 1999, and

WHEREAS, in an industry experiencing significant employee turnover, Bauer Service Inc. is proud of its long-term staff of 20. Mike takes good care of his employees, and they repay him with their loyalty, and

WHEREAS, Bauer Service Inc. owner, Mike Capriotto, working along with Ashford Hollow Foundation, created Village Arts to promote the business in the village after the Route 240/277 reconstruction which strangled traffic through the heart of Orchard Park, and

WHEREAS, Mike Capriotto with his leadership and business expertise, has created an exceptional business that has supported many town and village organizations. In fact there are few charitable events and benefits that don't have support from Bauer Service, Inc.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Orchard Park, in the County of Erie, in the State of New York, does hereby joins with the Orchard Park Chamber of Commerce and many others in recognizing Mike Capriotto as an exceptional corporate citizen and it is with pride that Bauer Service Inc. is named: *2006 Business of the Year*.

The resolution was unanimously adopted.

Councilman Kaczor stated he and members of the Preservation Board attended a seminar this past weekend in Rochester, New York, for preservation training. He also stated the Preservation Board has submitted a grant application to the State in hopes they receive funds so the Town of Orchard Park can get a system that index/tracks homes in our town that have historic value.

Councilman Dietrick stated there would be a Recognition Ceremony for the Orchard Park Little League Concession Stands this Saturday, May 6, 2006.

Land Lease Agreement with Verizon Wireless for a Cellar Tower on Town Property

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

WHEREAS, the Town of Orchard Park is a Town of the First Class, and

WHEREAS, after considerable study and evaluation of the proposal to lease property at 4248 South Taylor Road, owned by the Town of Orchard Park in the Town of Orchard Park, located on the Highway Departments land, determination has been made that such property should be leased.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, pursuant to the provisions of section 64-2 of the Town Law, subject to a permissive referendum, that the property located at 4248 South Taylor Road, owned by the Town of Orchard Park, approximately 100' by 100' parcel of property, in the Town of Orchard Park, in the County of Erie, State of New York, an being described as an approximately 1.8 +/- acre parcel, to be leased to Verizon Wireless an Upstate Cellular Network, pursuant to the terms of a Lease Agreement which is on file in the Town Clerk's Office and available for inspection during normal business hours, and be it further

RESOLVED, that the Supervisor of the Town of Orchard Park is hereby authorized and directed to sign the aforementioned Lease Agreement, and be it further

RESOLVED, that pursuant to §82 and 90 of the Town Law that within ten (10) days from the date of this resolution the Town Clerk shall post and publish a notice which shall set forth the date of adoption of the resolution, shall contain an abstract of such resolution concisely setting forth the purpose and effect thereof, shall specify that this resolution was accepted to a permissive referendum; and shall publish such notice in the official newspaper of the Town of Orchard Park having general circulation in the Town of Orchard Park, and that in addition thereto that the Town Clerk shall post or cause to be posted on the sign board of the Town of Orchard Park, a copy of such notice within ten (10) days after the date of the adoption of this resolution.

The question of the adoption of the foregoing resolution was duly put to a vote which resulted as follows:

Supervisor Travers Murphy	Aye
Councilwoman Ackerman	Aye
Councilman Jemiolo, Jr.	Aye
Councilman Kaczor	Aye
Councilman Dietrick	Aye

Councilman Jemiolo thanked Town Attorney Berkowitz and Councilman Kaczor for all their effort they put into getting this Agreement. Councilman Kaczor also thanked the Town Attorney.

The resolution was unanimously adopted.

Chestnut Ridge Cemetery

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

WHEREAS, In January 2004 the Town of Orchard Park took over the operations of a small cemetery called Chestnut Ridge Cemetery, just south of Chestnut Ridge Park on Chestnut Ridge Road/Rte. 277, and

WHEREAS, presently there are no rules or regulations on how many full burials or cremations are allowed on a single cemetery, pre-purchased, plot in Chestnut Ridge Cemetery, and

WHEREAS, the Town of Orchard Park has been in contact with New York State Department of State, Division of Cemeteries, who stated four (4) cremations in one plot is allowed by the State.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Orchard Park is hereby authorizing/allowing up to four (4) cremations spots in one (1) cemetery plot.

The resolution was unanimously adopted.

National Incident Management System (NIMS)

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

WHEREAS, the President of Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, Local and Tribal Governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity, and

WHEREAS, the collective input and guidance from all Federal, State, Local and Tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS, and

WHEREAS, it is necessary and desirable that all Federal, State, Local and Tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management, and

WHEREAS, to facilitate the most efficient and effective incident management it is critical that Federal, State, Local and Tribal Organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters, and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the State’s ability to utilize Federal Funding to enhance Local and State Agency readiness, maintain first responder safety, and streamline incident management processes, and

WHEREAS, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the State, including current emergency management training program, and

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommends adoption of a standardized Incident Command System.

NOW, THEREFORE, be it

RESOLVED, we, Supervisor Mary Travers Murphy, Councilwoman Nancy Ackerman, Councilman Stanley Jemiolo, Jr., Councilman David Kaczor and Councilman Mark Dietrick, the Town Board of the Town of Orchard Park, do hereby establish the “*National Incident Management System*” (NIMS) as the Town of Orchard Park’s standard for incident management.

The resolution was unanimously adopted.

Highway Superintendent Piasecki stated May 13th will be the opening for the Compost Site and if you are a resident of the Town, you can have free mulch and free hotdogs.

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

RESOLVED that the Town Board does hereby authorize the approval of all entries on Warrant #9 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$168,134.68
Part Town Fund	\$6,862.50
Risk Retention	0
Cemetery Fund	0
Highway Fund	\$211,271.96
Special Districts	\$7,493.85
Trust & Agency	\$6,244.99
Capital Fund	\$15,117.09

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 following Communication:

New York State Department of Transportation Designation of Restricted Highway: Beginning on US Rte. 219, approximately one mile south of the US Rte. 20A interchange and continuing northerly for approximately seven miles to the Ridge Road interchange with Rte. 219, which is being reconstructed and is hereby designated as restricted highway.

Adelphia Cable: For the convenience of the residents, a 2006 Regents Review Schedule has been mailed to the Supervisor. If you would like a copy, you may pick one up in the Town Clerk's Office.

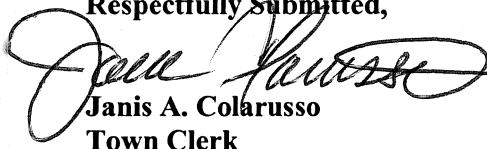
The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

The following individuals spoke from the floor: Robert Simpson, Chris Weyer, Nicholas Taneff, Kathy Orié and Cheri Downing.

There being no further business from the floor, on motion by Councilman Jemiolo, seconded by Councilman Kaczor, to wit: the meeting was adjourned at 8:02 PM (local time).

Respectfully Submitted,



Janis A. Colarusso
Town Clerk

