

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 16<sup>th</sup> day of May 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
	David Kaczor	Councilman
	Nancy Ackerman	Councilwoman
	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
	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 May 2, 2007 and the Executive Session Minutes for April 24, 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 Informational Meeting Regarding Clean Water Act & Stormwater Phase II Regulations.**

At this time the Town Engineer, Wayne Bieler, opened the informational meeting held in accordance with the Federal EPA Environmental Conservation Law, Clean Water Act, and Stormwater Phase II Regulations and NYSDEC requirements of the "State Pollutant Discharge Elimination System – SPDES", General Permit for Stormwater Discharge. This meeting is to allow the public to comment on the draft Stormwater Phase II Annual Report.

**Ron Stadelmaier** – Mr. Stadelmaier supports the Town's Stormwater management compliance efforts, and encourages the Town to adopt further ordinances for "land use controls in stormwater management". He read a four page prepared statement that is on file with the Town Clerk. In it he stated the impermeable cover resulting from development in our Town has reduced the physical area of our watersheds and wetlands. He stated the volume and flow rate of runoff has increased and continues to have an adverse and negative impact. He feels permanent damage has already occurred, which he and his neighbors have witnessed first hand in their back yards.

Carter, Jennifer	Town of Orchard Park	PT2-D	Att.	\$9.50
Connors, Shannon	Town of Hamburg	PT1-B	Att.	\$7.75
Crawford, Elise	Village of Depew	PT2-B	Lg.	\$9.00
Devine, Elizabeth	Town of Orchard Park	PT1-B	Att.	\$7.75
Dillon, Elizabeth	Town of Orchard Park	PT1-E	Att.	\$8.50
Dolce, Karen	Town of Orchard Park	PT2-D	Att.	\$9.50
Druding, Kyle	Town of Orchard Park	PT1-C	Lg.	\$8.00
Freyer, Karin	Town of Orchard Park	PT1-B	Att.	\$7.75
Gajewski, Samantha	Town of Lancaster	PT2-B	Lg.	\$9.00
Gill, Meagan	Town of Colden	PT1-B	Att.	\$7.75
Hagerty, Sheila	Town of Orchard Park	PT1-E	Att.	\$8.50
Hanson, Gretta	Town of West Seneca	PT2-B	Att.	\$9.00
Hayes, Ryan	Town of West Falls	PT6-D	Att.	\$15.00
Hedges, Emily	Town of Orchard Park	PT2-D	Att.	\$9.50
Hedges, Rachel	Town of Orchard Park	PT1-C	Lg.	\$8.00
Hojnacki, Chelsea	Town of Hamburg	PT1-C	Lg.	\$8.00
Horn, Matthew	Town of Orchard Park	PT1-E	Att.	\$8.50
Hugar, Kelly	Town of Orchard Park	PT1-E	Att.	\$8.50
Imbirowicz, Elizabeth	Town of West Seneca	PT1-E	Att.	\$8.50
Janosky, Amanda	Village of Derby	PT2-D	Lg.	\$9.50
Jennings, Matthew	Town of Orchard Park	PT6-D	Att.	\$15.00
Karst, Stephanie	City of Buffalo	PT2-B	Att.	\$9.00
Kempa, Katherine	Town of Orchard Park	PT2-B	Att.	\$9.00
Kennedy, Tressa	Town of Orchard Park	PT2-B	Att.	\$9.00
Kirkner, Florence	Town of Orchard Park	PT3-E	Lg.	\$11.00
Korach, Nicholas	Town of Orchard Park	PT1-B	Att.	\$7.75
Kordrupel, Matthew	Town of Orchard Park	PT1-B	Att.	\$7.75
Krezmien, Jacob	Town of West Seneca	PT1-B	Att.	\$7.75
LaMartina, Christie	Town of West Seneca	PT1-B	Att.	\$7.75
Lewandowski, Claire	Village of Derby	PT 1-E	Att.	\$8.50
Lex, Jackie	Town of Orchard Park	PT3-E	Att.	\$11.00
Looney, Shaun	Town of Orchard Park	PT1-B	Att.	\$7.75
Maloney, Jon-Ryan	Town of Orchard Park	PT1-B	Att.	\$7.75
Marts, Amanda	Town of Hamburg	PT2-B	Att.	\$9.00
Mesi, Tina	Town of Orchard Park	PT6-D	Att.	\$15.00
Montroy, Julia	Town of Orchard Park	PT1-B	Att.	\$7.75
More, David	City of Buffalo	PT6-D	Att.	\$15.00
Mulville, Giana	Town of Orchard Park	PT2-B	Att.	\$9.00
Muscatello, Anne	Town of Colden	PT1-B	Att.	\$7.75
Noonan, Marleah	Town of Orchard Park	PT1-B	Att.	\$7.75
Pawarski, Allison	Town of Hamburg	PT1-B	Att.	\$7.75
Pawlaczyk, Anna	Town of Orchard Park	PT1-B	Att.	\$7.75
Pericozzi, Stephanie	Town of Lancaster	PT2-B	Lg.	\$9.00
Pohlman, Lindsay	Town of Orchard Park	PT2-B	Att.	\$9.00
Rayeski, Raymond	Town of Colden	PT1-E	Att.	\$8.50
Reddington, Lauren	Town of Orchard Park	PT1-C	Lg.	\$8.00
Rowland, Ed	Town of Orchard Park	PT6-D	Att.	\$15.00
Rowland, Stephanie	Town of Orchard Park	PT2-B	Att.	\$9.00
Schott, Nicholas	Town of Orchard Park	PT1-B	Att.	\$7.75
Swyer, Timothy	Town of Orchard Park	PT2-B	Lg.	\$9.00
Szinger, Eva	Town of Orchard Park	PT2-D	Att.	\$9.50

Torella, Michelle	Town of Hamburg	PT1-B	Att.	\$7.75
Trampert, Alyssa	Town of Orchard Park	PT1-E	Att.	\$8.50
Trampert, Sandra	Town of Orchard Park	PT2-D	Att.	\$9.50
Urbank, Heather	Town of Orchard Park	PT1-C	Lg.	\$8.00
Vinti, Mario	Town of Orchard Park	PT2-B	Lg.	\$9.00
Vinti, Natalie	Town of Orchard Park	PT2-B	Lg.	\$9.00
Wilder, Kimberly	Town of Orchard Park	PT1-B	Att.	\$7.75
Wlostowski, Samantha	Village of Depew	PT2-B	Lg.	\$9.00
Yates, Sarah	Town of Orchard Park	PT2-D	Att.	\$9.50
Zurbrich, Michelle	Town of Orchard Park	PT2-B	Att.	\$9.00

**The resolution was unanimously adopted.**

**New Business #5 Authorize the Chief of Police to hold the Annual Bike Auction on May 19th**

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 authorize the Chief of Police, Sam McCune to hold the Annual Bike & Property Auction, May 19, 2007, at 10:00 AM, in the rear of the Orchard Park Municipal Center, located at 4295 South Buffalo Street, Orchard Park.

**The resolution was unanimously adopted.**

**New Business #6 Award the Wiring Contract to Integrated Cabling & Communications Systems**

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

**RESOLVED**, that the Town Board does hereby award the Wiring Contract to Integrated Cabling & Communications Systems, 1555 Brooks Avenue, Rochester NY 14264, in the amount not to exceed \$19,701.09, for telephone cable, as recommended by the Network Coordinator for the Town.

**The resolution was unanimously adopted.**

**New Business #7 Award the Network Contract to Classic Networking, Inc.**

9) 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 award the Network Switch Contract to Classic Networking, Inc., PO Box 1055, Mechanicsburg, PA 17055, in the amount not to exceed \$21,346.10, to provide network switches for telephone system, New York State Contract #PT55722, as recommended by the Network Coordinator for the Town.

**The resolution was unanimously adopted.**

**New Business #8 Authorize a Building Permit to McGard, 3875 California Road, Zoned I-1**

10) 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 authorize a Building Permit for McGard, 3875 California Road, Zoned I-1, for a 5,500 sq. ft. +/- building and approve the site plan received on 3/16/07, as recommended by the Planning Board 5/10/07, based on the following the conditions and stipulations.

- This is an Unlisted SEQR Action based on the submitted Short EAF, Parts One and Two and a Negative Declaration is made.
- The site lighting is limited to those fixtures and poles indicated on the approved site plan. Light fixtures shall have flat lens.
- No outside storage or display is permitted.
- Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with Section 144-25 of the Town Code.
- Conditioned pending the submission of an enlarged drainage and grading plan and Town Engineering approval.
- A landscape completion bond in the amount of \$13,360.00 shall be provided for the landscape plan received, 3/16/07, which includes 66% total green space, prior to the receipt of a Building Permit.
- The applicant is to detail the future location of additional parking spaces on the enlarged drainage and grading plan that is to be re-submitted to the Engineering Department before final approval can be granted.
- Per Section 144-29(2), the Board approves the site plan with reduced parking of 28 parking spaces, contingent upon a submittal of the revised plan showing where those spaces could be added if ever required.

**The resolution was unanimously adopted.**

**New Business #9 Authorize Supervisor to submit an Application for Municipal Waste Reduction**

11) 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 Supervisor to submit an application to the New York State Department of Environmental Conservation, Municipal Waste Reduction and Recycling Program requesting \$186,331 to reimburse the Town for: one new oxygen-temperature monitor with 4' probe (\$690); one new tip assembly (\$12) and freight charges (\$21); one new 2006 Morbark Wood Hog Tub Grinder, less trade in value (\$369,900); one new FFC/Paladin Loader Boom with universal mount for Gehl Skidstree loader (\$1,029); one new HP Notebook laptop computer with warranty and case (\$1,010)

**And, be it further**

**RESOLVED**, that all pieces of equipment are used solely for recycling and are permanently housed at the Orchard Park Compost site, and be it further

**RESOLVED**, that the Town of Orchard Park has matched its NYSDEC request with \$186,331.00 in cash, and be it further

**RESOLVED**, that all materials, collected and composted by the Town of Orchard Park, will be made available to residents of the Town of Orchard Park at a cost of \$10 per cubic yard and to non-residents at a cost of \$15 per cubic yard. Residents will provide at their own expense containers for the composted material, which they will pick up on their own.

**The resolution was unanimously adopted.**

**New Business #10 Authorize the OP Veterans to hold their Annual Memorial Day Parade, May 28**

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

**RESOLVED**, that the Town Board does hereby authorize the Orchard Park Veterans of Foreign Wars Post #6247 to hold their Annual Memorial Day Parade and Ceremony on Monday, May 28, 2007, and be it further

**RESOLVED**, the parade will start promptly at 9:00 AM at the Orchard Park Library and follow north on South Buffalo Street to the four corners and west on West Quaker Street and end at Veterans Park.

**The resolution was unanimously adopted.**

**New Business #11 Proclamation Acknowledging the week of June 3-9 National Garden Week**

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

**WHEREAS**, gardeners have a passion for nurturing the beauty and resources of the earth through the planting of seeds, the care of all plants and the harvesting of the riches of their efforts, and

**WHEREAS**, gardeners seek to add beauty, splendor, fragrance and nutrition to our lives through the growing of herbs, vegetables, foliages and flowers, and

**WHEREAS**, gardeners work to preserve our country's traditional spirit of independence and initiative through innovation and hard work, and

**WHEREAS**, gardening instills in our people a greater respect and care for our environment and our natural resources, and

**WHEREAS**, gardening furnishes a challenging and productive activity for many citizens, for those just learning as well as those having years of experience, and

**WHEREAS**, our gardens also yield herbs, foliage and flowers which add beauty, fragrance, and nutrition to our lives, and

**WHEREAS**, gardening enables members of Garden Clubs across the nation and the world to serve others in the communities in which they reside and work.

**NOW, THEREFORE, be it**

**RESOLVED**, that in an effort to acknowledge the importance of Gardening and the numerous contributions of Gardeners, National Garden Club, Inc. designates the week of June 3-9, 2007 as National Garden Week.

**The resolution was unanimously adopted.**

**New Business #12, 13, 14 & 15 Public Safety Committee Recommendations**

**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 following recommendations made by the Orchard Park Public Safety Committee:

- Authorize the Supervisor to send a letter to the Village of Orchard Park requesting they contact the Erie County Department of Transportation to determine if a "Deer Crossing" sign is warranted near the 4457 address of Freeman Road.
- Authorize the Supervisor to send a letter to the Village of Orchard Park requesting they send a letter to Dale & Shirley Eck stating their request of a "4 Way Stop" sign is not warranted at Elmhurst Drive and Woodland Drive.
- Authorize the Supervisor to send a letter to Erie County Department of Transportation requesting to review "No Parking" and "No Littering" signs for North Freeman Road, which is a County Road.
- Authorize the Supervisor to send a letter to the New York State Department of Transportation to re-evaluate the curb cut exit at Reed's Jewelry Store, and suggests a "Right Turn Only" sign be placed on Milestrip Road.

**The resolution was unanimously adopted.**

**New Business #16 & 17 Refer to the Planning Board and/or Conservation Board**

**15) 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 refer to the Planning Board and/or Conservation Board the following;

- Expert Fence, 2897 Southwestern Boulevard. Request to subdivide the 2.3 acre parcel and to situate his business on the larger 1.8 acre portion. The proposed site includes a 7,200 sq. ft. metal building including a business office & a warehouse area as well as required off street parking & materials storage area.
- Bryan Young, 5245 Murphy Rd., Request to increase the acreage to rezone the property from R-2 to R-3. The property owner is seeking to put this land into a SR category
- WNY Center for Sport Psychology, 170 Thorn Avenue, Zoned B-2. Request to move his business into his residence. (This item was not listed on the agenda.)

**The resolution was unanimously adopted.**

**Elected Officials & Department Heads**

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

**WHEREAS**, the Town received Federal and State aid to assist in recovery efforts from the October 2006 storm, and

**WHEREAS**, the storm placed additional burdens on certain equipment used in the recovery efforts, and

**WHEREAS**, the Town's Highway Superintendent recommends that this aid be reserved to replace such equipment at the appropriate time.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the amendment of the Town's 2007 adopted budget for the Highway and Consolidate Garbage District as follows:

**Increase**

DA.9950.900	Transfer to Equipment Reserve	\$216,971.00
DA.599	Appropriated Fund	\$216,971.00

800.8161.900	Transfer to Capital Fund	\$166,328.00
800.599	Appropriated Fund	\$166,328.00

**BE IT FURTHER RESOLVED**, that the Town Board does hereby authorizes the transfer of \$216,971.00 to the Highway Equipment Reserve (project H55) and \$166,328.00 to the Compost Equipment Reserve (project H71).

**The resolution was unanimously adopted.**

**17) 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 following budget transfer, as requested by the Chief of Police:

<b>\$2,000.00</b>	<b>From:</b> A.599	D.A.R.E. Reserves
	<b>To:</b> A.2989.419	D.A.R.E. Expenses

**The resolution was unanimously adopted.**

Councilwoman Ackerman introduced David Percy who just received his Eagle Scout Award. His project was setting up disposal units in the Town Parks for dog owners to clean up after their dogs. David set up twelve of these units, and the Town Board congratulated him and thanked him for his work. She also thanked the residents for electing two new school trustees and passing the school budget. She also thanked the members of the compost facility and Town Highway Department who all worked so hard on Saturday giving the residents free mulch and maintaining the site.

Councilwoman Yeomans wished to clarify the issue of tax rates for commercial properties. She spoke to the Town Assessor, Milt Bradshaw, and he stated that the Town does have a "BIE" or Business Investment Exemption, as do all the other Towns. This provides a diminishing exemption to new businesses, 50% the first year and a 5% decrease over the next ten years. Applicants must apply for this exemption. Quaker Crossing, as well as most other businesses, have applied for and do receive this exemption. Mr. Bradshaw also explained that commercially zoned properties, which are developed for retail use, would be assessed at \$60 to \$100 a sq. ft. Whereas, Industrial zoned properties (which Quaker Crossing West was zoned for), which are developed for medical offices would be assessed at \$80 to \$120 a sq. ft. Councilwoman Yeomans said that she is going to work hard at preserving the Industrial Zoned areas and to encourage medical businesses to come to Orchard Park. The Economic Development Committee and the 2002 Land Use study also support the maintaining of our Industrial areas.

Councilman Kaczor stated that he also checked with the Town Assessor regarding tax rates for businesses and found that there are different ways that businesses can obtain breaks. Through the Erie County Industrial Development Agency, the tax breaks are called abatements, which Orchard Park does not offer, but businesses can apply for the "BIE" in Orchard Park. He also stated "Art Rocks the Park" is being held this coming weekend and encouraged everyone to attend. He stated that the new Recreation Department Summer Brochure is now out. Councilman Kaczor said the Town Board is going to have its Town Accountant develop a detailed monthly report to track planned verses actual expenses, as well as year to date expenditures. This will help the Town Board to address shortages, overages and where adjustments need to be made in the budget on a more regular basis, and make corrections. This should also help the Supervisor to develop an annual budget that will require fewer adjustments.

Councilman Kaczor told Mr. Fransists that he was absolutely correct about the landscaping that took place on the corner of California Road and Big Tree Road. It was not in compliance with the Conservation Board stipulations. The owner has been told that he must bring the property into compliance and a landscape bond needs to be put in place. Councilman Kaczor stated that Ashley Furniture has not completed its landscaping as planned and he asked the Building Inspector to follow up on that.

Councilman Dietrick stated that the D.A.R.E officers announced their Elementary School graduations are to take place in June.

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

**RESOLVED**, that the Town Board is hereby authorized to schedule a Public Hearing for Wednesday, June 20, 2007 at 7:00 PM, in the matter of a Local Law of the Year 2007; Stormwater Management and Erosion & Sediment Control", and be it further

**RESOLVED**, that the Town Board is hereby authorized to schedule a Public Hearing for Wednesday, June 20, 2007 at 7:00 PM, in the matter of a Local Law of the Year 2007; Prohibiting Illicit Discharges, and be it further

**RESOLVED**, the Town Clerk is hereby directed to publish due notice thereof.

**The resolution was unanimously adopted.**



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

**RESOLVED**, that the Town Board is hereby authorized to schedule a Public Hearing for Wednesday, June 20, 2007 at 7:00 PM, in the matter of an Amendment to the Orchard Park Town Code of Ordinance, which amendment provides as follows:

**Section 144-63D (2)(d) is hereby repealed and replaced with the following: Expiration of appeal decision** "A decision on any appeal or request for a variance shall expire if the applicant fails to obtain any necessary building permit or comply with the conditions of said authorized permit within twelve (12) months from the date of authorization thereof. The Zoning Board of Appeals, in its judgment of the special circumstances presented by a particular case, shall have the ability to reduce the expiration time to not less than six (6) months if it believes said reduction is in the interest of public health, safety or general welfare."

**RESOLVED**, the Town Clerk is hereby directed to publish due notice thereof.

**The resolution was unanimously adopted.**

Police Chief, Sam McCunn, stated that the State of New York is putting on a "Buckle Up New York" drive for two weeks beginning May 23<sup>rd</sup> to June 3<sup>rd</sup>, so Buckle Up.

Highway Superintendent, Fred Piasecki, stated the Free Compost Day went very well, each resident was allowed two cubic yards, and over 1000 cubic yards of compost were distributed. The sales that day were an all time high at \$2000.00 He thanked the staff at the Compost site and all the Town & Village officials who participated. The Highway Department is starting to do the plantings around the soccer fields at the Compost site and it is shaping up beautifully. Mr. Piasecki thanked Dave Pursey for all his work in putting up the doggie "stoop and scoop" sites in the Town parks.

Town Engineer, Wayne Bieler stated that the "Household Hazardous Waste Drop Off" day is going to be Saturday, June 16, 2007 at the Erie Community College South from 9:00 am until 2:00 pm.

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 #10 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$87,746.59
<b>Part Town Fund</b>	\$1,086.58
<b>Risk Retention</b>	0
<b>Cemetery Fund</b>	0
<b>Highway Fund</b>	\$22,559.74
<b>Special Districts</b>	\$115,995.71
<b>Trust &amp; Agency</b>	\$24,500.00
<b>Capital Fund</b>	\$9,746.20

**The resolution was unanimously adopted.**

**Receive & File Communications and Reports**

21) 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 receive and file the following Communications: Town of West Seneca: a Public Hearing has been set for May 14, 2007 at 7:30 PM, at the West Seneca Town Hall, 1250 Union Road, of the request for a rezoning and special permit for property located at 1150 Southwestern Boulevard, being par of Lot No. 393, changing classifications from C-1 to C-2(S), for six mini-storage buildings, Town of West Seneca: an application has been made to the Planning Board for rezoning & special permit for property located in the Camelot Square Subdivision, changing its classification from R-75 to R-50(S), for a patio home development with 50 ft. frontage lots. The Planning Board meeting will be held on May 10, 2007 at 7:30 PM at the West Seneca Town Hall, 1250 Union Road, and be it further

**RESOLVED**, that the Town Board does hereby receive and file the following Reports: Building Inspector's Monthly Report & Building Permits for April 2007, Highway Superintendent's Recycling Report for the Orchard Park Compost Site.

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

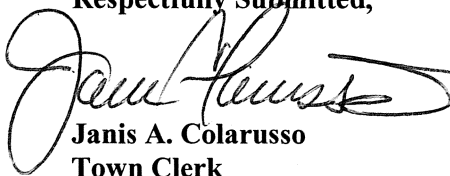
**Jim Crow** – Mr. Crow stated that he has some serious concerns about the proposed Fisher Bus and the impact it would have on that area, especially traffic, fuel, fuel spills, smell and noise. Supervisor Travers Murphy said that the Romanowski family, who live on S. Benzing, sent a letter to the Town Board with questions regarding the Fisher Bus Project and it will be referred to the Public Safety Committee for further review. Councilwoman Ackerman said these questions have been addressed in the scooping session and Fisher Bus will address these questions in the draft EIS that will be sent to the Town Board for review.

**Judith Walker Williams** – Ms. Walker-Williams has spent most of her life in Orchard Park and is concerned about WalMart coming in to Orchard Park. The Town has changed, but she feels the ideals of how we want to live and raise our children have not. We need to be very careful as to what major stores we want to have in our community. We do not want the big store to knock out our little stores that make the Town special.

**Robert Frantsists** - Mr. Frantsists thanked Councilman Kaczor for looking into the landscaping at the corner of California and Big Tree. He had questions regarding tax exemptions through the ECIDA, WalMart, and a housing project on California Rd.

There being no more business from the floor, on motion by Councilman Kaczor, seconded by Councilman Dietrick, to wit: the meeting was adjourned at 7:58 PM (local time).

**Respectfully Submitted,**



**Janis A. Colarusso**  
Town Clerk