

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 4th day of June 2008 at 7:00 PM. The meeting was called to order by the Supervisor and there were:

PRESENT AT ROLL CALL: Mary Travers Murphy	Supervisor
Nancy Ackerman	Councilwoman
David Kaczor	Councilman
Mark Dietrick	Councilman
Edward Graber	Councilman
Janis Colarusso	Town Clerk
Leonard Berkowitz	Town Attorney
Andrew Geist	Building Inspector
Andrew Benz	Chief of Police
Frederick Piasecki, Jr.	Highway Superintendent
Wayne Bieler	Town Engineer

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."*

Recognition and Awards for the Recreation Department

The Director of Recreation, Ed Leak, stated that the National Parks Association designates June of every year as Recreation Month. This gives the Recreation Department the opportunity to recognize individuals and businesses that have been supportive over the last year. Mr. Leak asked Recreation Commission liaison, Councilman Kaczor and Supervisor Travers Murphy, along with Recreation Commission Chairperson, Audrey Ramage to help present the awards for the 3rd Annual ***Art Rocks the Park*** for the flower displays. The first place award was presented to Anne Romanello from Village Clay, who designed the winning flower for Mike Capriotto; owner of Bauer Automotive, second place was awarded to Donna Omar from Ellicott Road School PTO, for her design and third place was awarded to Janet Jahnke, who is an art teacher at Windom School. Joe Wales, President of Arthur's Hardware, received the Community Appreciation award for his outstanding involvement and service in the Town and with the Recreation Department.

Recognition for the Youth Court Students

Councilwoman Ackerman stated that she would officially introduce David Rebmann, the new Director of the Youth Court, but before doing so, wanted to give tribute to his predecessor, Thomas McGinty, who passed away last year. Councilwoman Ackerman gave Mr. McGinty's biography and then introduced Mr. Rebmann, the new Youth Court Director, to the audience, along with his extensive background. She thanked him for his willingness to take on this position.

The Youth Court Director, David Rebmann, presented the awards to the following Youth Court members. He requested they share their future plans: Michael Dietrick, Victoria Felser, Laura Jarocho, Lauren Kaczor, and Kyle Druding. Members who were not present were: Marleah Noonan, Kevin Sexton, and Jeffrey Marron. It was announced that Kyle Druding will be the first recipient of the ***Thomas McGinty Orchard Park Memorial Youth of the Year Award***. Councilwoman Ackerman read the proclamation designating the event. Mr. Rebmann stated that Kyle would receive his official award at the Boys and Girls Club on June 18, 2008; at 6:30 PM. Councilwoman Ackerman spoke on the commitment of these students for their community and the positive image they portray.

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

RESOLVED, that the minutes of the Meeting of the Town Board held on May 21, 2008, and the Special Meeting Minutes of the Town Board held on May 28, 2008, 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 7:25 PM (local time), the Supervisor called for the Public Hearing to hear all interested parties for or against the Proposed Amendment to the Town Code of Ordinance, which amendment provides as follows:

To rezone property located at 5245 Murphy Road, in the Town of Orchard Park "Pines of Murphy", from R-3 to SR (Senior Residential District), for the purpose of converting a religious sanctuary into a senior housing facility.

Affidavits of Publication and Posting of the Legal Notice of the Public Hearing were presented, read aloud and filed with the Town Board by the Town Clerk.

At this time the Supervisor asked if there was anyone in the audience for or against the proposal.

Opponents

Robert Cannon – His concern was traffic and safety issues. He also asked about the use of the property around the building and if there might be additional housing in the future.

Elizabeth Eichelberger – She was very concerned about traffic problems, sewer and property devaluation. She stated a traffic study was done when the school was interested in that site, and that study shows Murphy Road couldn't handle the traffic. She stated the cost to widen the road would be astronomical.

Proponents

Jeff Palumbo – He is with the law firm of Damon and Morey, representing the petitioner. He stated that his client only owns the portion that is before the Town Board for the rezoning of a maximum 100 units.

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

RESOLVED, that the Public Hearing in the matter of rezoning property located at 5245 Murphy Road, in the Town of Orchard Park "Pines of Murphy", from R-3 to SR (Senior Residential District). For the purpose of converting a religious sanctuary into a senior housing facility, is hereby closed at 7:40 PM (local time).

The resolution was unanimously adopted.

Old Business #1 Schedule Public Hearing for Historic Significance/Edgewood Farms

2) 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 Schedule a Public Hearing for Wednesday, July 2, 2008, at 7:00 PM (local time), for Historic Significance for the Yates "Edgewood Farms" Barn, located on Jewett Holmwood Road, in the Town of Orchard Park. (Tabled 3/5/08), and be it further

RESOLVED, that the Town Clerk shall publish due notice in the official newspaper of the Town.

Councilman Kaczor stated this is to be designated as a Historic Landmark for Orchard Park..

The resolution was unanimously adopted.

Old Business #2 Authorize the Highway Superintendent to Post Signs/Burmon Playground

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

WHEREAS, at a Public Safety Committee meeting held on May 20, 2008, the request of Alexis Knavel, 349 Lakeview Avenue was discussed, and

WHEREAS, Ms. Knavel asked for parking to be restricted on one side or both sides of Lakeview Avenue during the hours of the sporting events at the Burmon Road Playground, and

WHEREAS, another issue is that the size of the parking area is not large enough to accommodate the vehicles for the sports events being held, and

WHEREAS, the Public Safety Committee feels that this situation is problematic for the residents of the Burmon Road Playground community as well as emergency vehicles.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Highway Superintendent to post signs at the Burmon Road Playground and to examine the possibility of enlarging the parking lot at the playground, as per the recommendations of the Public Safety Committee.

The resolution was unanimously adopted.

Old Business #3 Supervisor to send a Letter to NYS for Survey to be done/New Armor Duells Road

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

WHEREAS, at the May 20, 2008 meeting of the Public Safety committee, the speed limit on Armor Duells Road was discussed, and

WHEREAS, the committee would suggest lowering the speed limit from 55 mph to 45 MPH from the New Armor Duells intersection at Chestnut Ridge Road (NY 277) down to the Murphy Road and Duerr Road intersection, due to an increase in traffic accidents, and

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to send a letter to the New York State Department of Transportation to perform a survey for a speed reduction on New Armor Duells Road, as per the recommendations of the Public Safety Committee.

The resolution was unanimously adopted.

New Business #1 Supervisor to Sign (Tentative) Agreement for Civil Service Employees Association

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the Tentative Agreement by and between the Town of Orchard Park and the Civil Service Employees Association, Inc., AFSCNME, Local 1000, AFL-CIO/Town of Orchard Park White Collar Unit, subject to CSEA ratifying the Blue & White Agreement.

Councilman Dietrick stated he would not vote in favor because he feels every employee should pay some part of their health insurance.

Supervisor Travers Murphy	Aye
Councilwoman Ackerman	Aye
Councilman Kaczor	Aye
Councilman Dietrick	Nay
Councilman Graber	Aye

The resolution was duly adopted.

New Business #2 Accept the Resignation of Robert Henning from the Public Safety Committee

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

RESOLVED, that the Town Board does hereby accept with extreme regret the resignation from Former Chief of Police, Robert Henning, from the Orchard Park Public Safety Committee.

The resolution was unanimously adopted.

New Business #3 Release of Escrow/\$6,500 held under PIP #2007-01 Pleasant Acres Subdivision.

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

WHEREAS, on December 19, 2007 the Town Board accepted dedication of the public improvements constructed in the above referenced subdivision with the stipulation that funds paid by the contractor be held in escrow until final grading and seeding in all areas of disturbance and restoration of a sidewalk and irrigation system at 46 Burbank Drive were completed, and

WHEREAS, the contractor has since completed the required final grading and seeding on Tranquility Lane and at the corner of Tranquility Lane and Burbank Drive and the required restoration at 46 Burbank Drive. The work was inspected by the Engineering Department and found to be in compliance with Town specifications.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Town Clerk to release to Anastasi Trucking & Paving Company, 4430 Walden Avenue, Lancaster, New York 14086 the \$6,500 held in escrow for final grading and seeding in all areas of disturbance and restoration of a sidewalk and irrigation system at 46 Burbank Drive in the Pleasant Acres II Subdivision, P.I.P. #2007-01 Map Cover Revision Amended Sublots 12, 13, 14, and 15, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #4 Approve the part time staff appointment of Dave Yates for the Engineering Dept.

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

WHEREAS, Dave Yates officially retired on June 3, 2008 but was on sick leave since April 29, 2008 due to a non-work related injury. Dave Yates is interested in continuing to work for the Town in 2008 on a part-time basis (maximum 19.5 hours per week) for \$30.00/hour. Per the Town Attorney at the March 8, 2006 work session, the Town can proceed with hiring part-time help and no agreement or any special requirements are necessary, and

WHEREAS, Dave Yates has worked for the Engineering Department full-time since May 11, 1978 (30.08 years). Dave has been a very integral part of this Department and his knowledge and experience reviewing design plans and subdivisions speak volumes. Dave Yates is willing to start work part-time but may be limited due to his recovery from surgery at first and 19.5 hours per week per Civil Service after that.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint Mr. Dave Yates, 3373 Lynn Drive, Orchard Park, New York 14127 to a part-time position in the Engineering Department beginning June 5, 2008 at a wage rate of \$30.00/hour, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #5 Appointments to the 2008 Summer Staff to the Recreation Department

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

RESOLVED, that the Town Board does hereby authorize the following 2008 Spring Staff Appointments to the Orchard Park Recreation Department, dependent upon the applicant providing the required certifications, as recommended by the Recreation Director.

Name	Address	Position	Title	Rate
Edward McGrath	Town of Orchard Park	PT1-C	Att.	\$8.00
Phil Schneider	Town of Evans	PT2-D	Lg.	\$9.00
Cailee Januszkiewicz	Town of Orchard Park	PT1-C	Lg.	\$8.00

The resolution was unanimously adopted.

New Business #6 OP Jaycees to Hold their 47th Annual Quaker Arts Festival, Sept. 19, 20 & 21

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

WHEREAS, the Orchard Park Jaycees will, for the 47th year, sponsor the Quaker Arts Festival on September 19th, 20th and 21st, and

WHEREAS, as in the past, we are requesting the support and approval of the Town of Orchard Park for the following items, to insure another safe and successful operating Festival:

- The Town supply the Orchard Park Jaycees' Quaker Arts Festival Committee with one large dumpster to keep trash under control.
- The Town supply the Festival with approximately 30 trash containers to be placed throughout the Festival grounds.
- The Town supply the Festival with picnic tables to be used by attendees for refreshments and to watch the free outdoor entertainment.
- The Town supply and erect snow fencing to section off the exhibitor areas on the Festival grounds.
- If needed, the pick up/return of cones and barricades from Comet Flasher

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby give support, approval and assistance to the Orchard Park Jaycees to hold their 47th Annual Quaker Arts Festival on September 19th, 20th and 21st, and to ensure a safe and successful operating festival, and be it further

RESOLVED, that all necessary insurance documents are to be submitted to the Town prior to the events.

The resolution was unanimously adopted.

New Business #7 Village of OP to Hold the Annual Ice Cream Social & Street Dance in July

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

WHEREAS, the Village of Orchard Park is once again sponsoring *Summer in Park*. This year the Ice Cream Social will be held on Friday, July 25, 2008 and the Street Dance will be on Saturday, July 26, 2008, and

WHEREAS, in the past the Town has been kind enough to allow the use of the Library grounds for these events and the Village is asking for permission for the use of the Library grounds for the Ice Cream Social on July 25th from 7:00 PM to 10:00 PM, and also the use of the grounds on July 26th from 7:30 PM to 11:30 PM. Set up will begin a 5:00 PM each day after the Library closes for the day.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby give support, approval and assistance to the Village of Orchard Park to hold their Annual Ice Cream Social, Friday, July 25th and the Street Dance, Saturday, July 26th, and to ensure a safe and successful weekend, and be it further

RESOLVED, that all necessary insurance documents are submitted to the Town prior to the events.

The resolution was unanimously adopted.

New Business #8 Middlebury Residents Requesting to Hold the 1st Annual Block Party, June 21st

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

RESOLVED, that the Town Board does hereby authorize the request from the Middlebury Residents who are planning their 1st Annual Block Party, June 21, 2008 (rain date June 22nd), between 3:00 PM to 11:00 PM, to block off the street during their party, and be it further authorized, the Highway Superintendent shall place barricades on Middlebury between Spruce Ledge Court and Knob Hill.

The resolution was unanimously adopted.

New Business #9 Senior Director for the OP Senior Center Requesting Part-time Cleaner

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

RESOLVED, that the Town Board does hereby authorize the request from Anne Willems, Senior Director for the Orchard Park Senior Center, to appoint a part-time cleaner, Rachel Carruthers, 28 N. Davis Street.

The resolution was unanimously adopted.

Business from the Floor

The following individuals spoke this evening and expressed their opinions and concerns: Jim Suplicki asked about the landscaping on the building on the corner of Big Tree Road. Dave Schuster submitted a letter to the Town Board concerning spraying of pesticides on Town properties. Jane Shumaker asked about the formal adoption of the Orchard Park Comprehensive Plan, and the preparation of grant applications. Christine Weyer submitted a letter to the Town Board in regard to accidents, Police calls and overtime relating to Quaker Crossing and the proposed Wal-Mart.

Elected Officials & Department Heads

Councilwoman Ackerman explained the time constraint on grant applications.

Councilman Graber commended the Orchard Park Fire Company on their 150th Anniversary Event.

Councilman Dietrick noted the effort from the Erie County Parks Department at Chestnut Ridge Park.

Highway Superintendent Piasecki outlined the road work time line for the upcoming construction season.

14) 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 #11 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$163,430.13
Part Town Fund	\$6,909.89
Risk Retention	0.00
Cemetery Fund	0.00
Highway Fund	\$139,571.77
Special Districts	\$287,886.57
Trust & Agency	\$10,165.75
Capital Fund	\$56,804.96

The resolution was unanimously adopted.

Receive & File Communications

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

RESOLVED, that the Town Board does hereby receive and file the following communications:

Town of Holland: Sent a proclamation in support for the revision to GML §239-n to allow greater flexibility for local governmental entities to enter into agreements to purchase “services” as well as “goods and equipment”.

Orchard Park Historic Preservation Board: Sent a proclamation requesting the Orchard Park Town Board to approve and adopt a resolution recognizing and designating as a historic landmark the main barn and attached silo structures and site of the Harry Yates “Edgewood Farms” 7295 Jewett-Holmwood Road, in the Town of Orchard Park, NY.

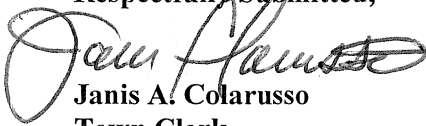
Time Warner Cable: Sent a letter stating the following “*Time Warner Cable cares about our community and is proud of the people who live, work and play here. Our local origination Channel 13, Time Warner Cable SportsNet, has a show called – All That Matters – that airs week days at 3:00 PM. ATM is starting a new series that will run from July 1st through October 31st. Each week ATM will feature a WNY Hero, someone who exemplifies greatness, creativity or profound dedication to a cause. Time Warner Cable is asking you to tell us about the hero you know.*” The Town Clerk’s Office has the Nomination Form for anyone who is interested in nominating someone.

County of Erie County Clerk Kathy Hochul: Requesting the Town of Orchard Park help her to retain more than \$1.2 Million in revenue for Erie County by encouraging the citizens of the Town of Orchard Park to renew their registration with Erie County Clerk's Office instead of mailing it to Albany. She is asking the Town Clerk to host a small display in her office on the counter along with 50 green envelopes explaining the "Just Mail It" option visible to the residents. She states in her letter another avenue for the residents is to visit the County Clerk's web site at www.erie.gov/clerk and click "Just Mail It" and they will receive a 'postage' paid green envelope to the Erie County Clerk for a quicker renewal (3-4 days). There are also 'Drop Boxes' in the 12 Auto Bureau outlets, the Clerk's Office, Buffalo City Hall or the Rath Building to deposit these envelopes.

The resolution was unanimously adopted.

There being no further business, on motion by Supervisor Travers Murphy, seconded by Councilman Kaczor, to wit: the meeting was adjourned at 8:00 PM (local time).

Respectfully Submitted,



**Janis A. Colarusso
Town Clerk**

