

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 18th 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."*

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 June 4, 2008, and the Special Meeting Minutes of the Town Board held on June 4, 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 7:00 PM (local time), the Supervisor called for the Public Hearing to hear all interested parties for or against the designation of 4025 N. Buffalo Road, in the Town of Orchard Park, as a Historic Landmark.

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 designation.

Opponents

Richard Sullivan – Attorney representing the Bray family, owners of the subject property. Mr. Sullivan stated that in reading the Historic Preservation minutes, it looks like the driving force for this designation is the fear that the Bray family has some intention to sell this property to the Benderson group for expansion of the adjacent shopping plaza. This is a false assumption, the Bray family is not selling this parcel. In reading the Town's statute, the only reason that Mr. Sullivan could find for this designation is that the house is over 50 years old.

The property is only 6/10th of an acre and is already zoned for business. The remaining 34 acres is currently being used by Geoff Bray for his landscaping business, and there is no intention to sell that either.

Councilman Kaczor asked if there are any plans to demolish the building on that parcel. Mr. Sullivan stated there are no plans for demolishing the existing house.

John Bray – The owner of subject property. The Bray family was surprised that the Town was trying to place a Historic Designation on this house, which he feels has no historic significance. Mr. Bray stated that there is no intention to sell the property or demolish the house, and does not want the Historic designation placed on his property.

Geoffery Bray – Mr. Bray states he is opposed to having the Historical designation placed on this parcel.

Proponents

Suzanne Kulp – The Town Historian, read a prepared statement (part of file) in which she outlined the design and historical significance of this property. Ms. Kulp stated that in the past, many functional historic properties have been destroyed in the name of progress, and with that we do have to change with the times, but be wise enough to preserve the best of the past. The Historic Preservation Board's recommendation this evening is to recognize the historic significance of the Bray homestead.

Dan Ransom – Chairman of the Historic Preservation committee offered his time to speak to Ms. Kulp to finish her historical outline of the house.

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

RESOLVED, that the Public Hearing to hear all interested parties for or against the designation of property located at 4025 N. Buffalo Road, in the Town of Orchard Park, as a Historic Landmark, is hereby closed at 7:26 PM (local time).

The resolution was unanimously adopted.

Old Business #1 Proclamation in Support of Initiative to Improve Real Property Tax Service

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

WHEREAS, the County of Erie applied for and received a grant through the New York State Office of Real Property Services to look at ways to improve the delivery of assessment administration services, and

WHEREAS, Erie County currently has 30 assessing units which include 25 towns, 3 cities and 2 villages with a total of 39 Assessors, and

WHEREAS, the County Office of Real Property Tax Services has established a committee comprised of representatives from not only from within county government but the state and local assessment community as well one of Erie County's largest taxpayers to carry out the study, and

WHEREAS, the committee immediately identified that the ultimate success and accuracy of the study will depend in part on participation from each of the accessing units in Erie County and the elected municipal boards governing them, and

WHEREAS, it is the goal of the study group to identify the best approach to delivering real property tax and assessment services in Erie County and therefore, will explore options that are most appropriate to each individual municipality so that a greater level of efficiency, transparency and equity can be provided to our taxpayers.

NOW, THEREFORE, be it

RESOLVED, that the Town of Orchard Park does hereby recognizes the importance of delivering the best possible assessment administration services to our taxpayers, and be it further

RESOLVED, adoption of this resolution signifies a desire and willingness to have our assessing unit participate in the County Office of Real Property Tax Services study on improving the efficiency, transparency and equity of assessment administration services, and be it further

RESOLVED, that the Orchard Park Town Board does hereby authorize that certified copies of this resolution shall be forwarded to the Town of Orchard Park Assessor Milt Bradshaw; the Erie County Director of Real Property Tax Services Joseph L. Maciejewski; Erie County Executive Chris Collins; Erie County Comptroller Mark Poloncarz and New York State Office of Real Property Services Customer Relations Manager Patricia A. Valvo.

The resolution was unanimously adopted.

Old Business #2 Pines of Murphy, 5245 Murphy Road; Rezoning for Senior Residential District

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

WHEREAS, following due and timely notice, a Public Hearing had been held on the 4th day of June 2008, relating to the matter of the Amendment to the Zoning Ordinance and Zoning Map of the Town of Orchard Park, to rezone property located at 5245 Murphy Road from R-3 to SR (Senior Residential) designation for the purpose of converting a (religious) sanctuary into a senior housing facility, as petitioned by Brian Young, at which time all interested persons were given an opportunity to be heard, and

WHEREAS, no recommendation from the Erie County Department of Planning, pursuant to §239-m of the General Municipal Law was received and filed by the Town Board, and

WHEREAS, recommendations from the Town of Orchard Park Planning Board, 6/14/06, were received and filed with the Town Board, and

NOW, THEREFORE, be it

RESOLVED AND ORDAINED that the Zoning Ordinance and the Zoning Map of the Town of Orchard Park be and are hereby amended by rezoning from R-3 to SR (Senior Residential) designation, the following:

ALL THAT TRACT OR PARCEL OF LAND, SITUATE in the Town of Orchard Park, County of Erie and State of New York, being part of Lot No. 21, Township 9, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the west line of Lot No. 21 (being also the center line of Murphy Road) distance 476.71 feet northerly from the southwest corner of said lot; thence northerly along the wet line of said lot 483.62 feet; thence easterly at an interior angle of 105°00'00" a distance of 559.16 feet; thence southeasterly at an interior angle of 136 °00'00" a distance of 1029.91 feet to the westerly line of lands deeded to the State of New York for the Southern Expressway by Notice of Appropriation recorded in the Erie County Clerk's Office of Liber 7800 of Deeds at page 414 and designated as Map No. 185, Parcel No. 203; thence southerly along said westerly line and along a curve to the right having a radius of 7419.44 feet, an arc distance of 370.67 feet; thence westerly and parallel with the south line of Lot No.21 a distance of 890.16 feet; thence northwesterly at an interior angle of 153 °10'36" a distance of 479.34 feet to the point of beginning, containing 20.409 acres of land or more.

AND, BE IT FURTHER

RESOLVED, that a Negative Declaration is made with regards to the SR designation.

The resolution was unanimously adopted.

New Business #1 (Tabled) Town Board to authorize the Supervisor to sign the Contract between the Town of Orchard Park and the CSEA Employee Benefit Fund for the 2008 Herizon Dental Plan.

New Business #2 (Tabled) Town Board to authorize the Supervisor to sign the Contract between the Town of Orchard Park and KVS for updated software for the Accounting Department.

New Business #3 (Tabled) Town Board to accept the Brush Mountain Park "Recreational" Plan, as recommended by the Recreation Commission.

New Business #4 Supervisor to Sign Application to submit a Grant for Brush Mountain Park

5) 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 the Supervisor to sign an Application to the New York State Office of Parks, Recreation and Historic Preservation requesting \$546,966 for the construction of two ponds and a nature trail, at the town owned Brush Mountain Park. Upon notification of the award, the Town Board will further authorize the Supervisor to enter into and execute a contract with New York State Office of Parks, Recreation and Historic Preservation, and be it further

RESOLVED, grant funds will be matched by the town in cash and in-kind goods and services.

The resolution was unanimously adopted.

New Business #5 Supervisor to Sign Application to submit a Grant for-Holmes & Murphy Property

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 authorize the Supervisor to sign an Application to the New York State Office of Parks, Recreation and Historic Preservation requesting \$299,414 for the acquisition of 6.52 acres of land (commonly called the Holmes-Murphy property), contiguous to the town owned Yates Park, and be it further

RESOLVED, Upon notification of the award, the Town Board will further authorize the Supervisor to enter into and execute a contract with New York State Office of Parks, Recreation and Historic Preservation for the purchase of said land, and be it further

RESOLVED, grant funds will be matched by the town in cash and in-kind goods and services to be used to establish required infrastructure, a walking path and two (2) Little League ball fields.

The resolution was unanimously adopted.

New Business #6 Building Inspector to Obtain Bids & Award Bid for Lawn Mowing Services

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

RESOLVED, that the Town Board does hereby authorize the Building Inspector to obtain Bids & Award Lawn Mowing Services for the months of June, July, August, September and October, for the following vacant properties; 3161 Abbott Road and 61 Velore Avenue, and be it further

RESOLVED, each lawn will be mowed once a month and all costs will be applied to the tax rolls of each property.

The resolution was unanimously adopted.

New Business #7 Proclamation in Support of the "Valuation of Condominiums"

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

WHEREAS, the Town Board of the Town of Orchard Park is committed to fair and equitable assessment practices, and

WHEREAS, fair and equitable assessments lead to fair distribution of the local property tax burden, and

WHEREAS, increasing unfunded state mandates continue to shift the burden of supporting state programs with local property tax dollars, and

WHEREAS, New York State Real Property Law §581 and §339-Y require condominiums to be assessed at a value substantially less than comparable, non-condominium properties, and thus, disrupt the desire and credibility of local officials to deliver a fair property assessment and tax system, and

WHEREAS, the proliferation of condominiums throughout New York State threatens to undermine the underlying principle of fairness and equity in assessments in an ever-increasing number of communities, and

WHEREAS, New York State Real Property Law §581 and §339-Y create a disadvantage to current property owners whose property does not have this exemption in their ability to sell and market their property, and

WHEREAS, the Town Board deems it in the public interest to memorialize to the New York State Assembly, New York State Senate and Governor David Patterson its support for legislation which would address this inequity.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Orchard Park hereby lends its unconditional support of draft legislation of New York State Senator Dale Volker that would change Section One, subdivision 1 of §339-Y of the New York State Real Property Law that would allow municipalities a local opt-out for newly constructed condominiums, and be it further

RESOLVED, that the Town Board encourages New York State Senator Dale Volker and New York State Assemblyman Mark Schroeder to sign on as co-sponsors of this draft legislation, and be it further

RESOLVED, that the Town of Orchard Park strongly recommends the passage of each bill, respectively, by the Assembly and Senate, and be it further

RESOLVED, that the Town Board of the Town of Orchard Park strongly recommends that Governor David Patterson sign this all important legislation into law once it has passed the Assembly and Senate, and be it further

RESOLVED, that the Town Clerk of the Town of Orchard Park forward copies of this resolution to all the Erie County Town Clerks, to New York State Senator Dale Volker, New York State Senator and New York State Assemblyman Mark Schroeder.

The resolution was unanimously adopted.

New Business #8 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 GRABER, 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
Charles Ruta	Town of Orchard Park	PT2-B	Att	\$8.00
Christina Mead	Town of Orchard Park	PT1-C	Lg.	\$8.00

The resolution was unanimously adopted.

New Business #9 Historical Society to Plant Lilac Tree at the Jolls House in Memory of Bob Bindig

10) 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 Town Engineer and the Highway Superintendent to assist Yasabel Gibson, Member of the Historical Society, to plant a Lilac Tree in memory of Bob Bindig, between the Jolls House and the Municipal Building.

The resolution was unanimously adopted.

New Business #10 Supervisor to Sign Agreement for the Utilization of a Credit Card/Tax Receiver

11) 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 Supervisor to sign the Agreement with the Town of Orchard Park and Chase Bank for the utilization of a credit card payment in the Tax Receiver's Department, at no cost to the Town.

The resolution was unanimously adopted.

New Business #11 Appoint Summer Staff to the Engineering Department

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

WHEREAS, funds have been allocated in the 2008 budget for seasonal help in the Engineering Department, and with the current work load of the Engineering Department additional summer help has been requested, and

WHEREAS, Andrew J. Pieczynski has applied for the summer position in the Engineering Department. Mr. Pieczynski graduated from ECC Construction Management/Engineering Technology this May and has committed to work for the Town the entire summer, and Mr. Pieczynski is also a graduate of Hutchinson Central Technical High School.

RESOLVED, that the Town Board does hereby appoint Mr. Andrew Pieczynski, 29 Krakow Street, Buffalo, NY 14206 to work this summer in the Engineering Department starting June 23, 2008 at wage rate of \$8.50/hour, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #12 (Tabled) Appoint summer staff to the Sewer, Lighting & Water Department, as requested by the Town Engineer.

New Business #13 Award Contract-Archaeological Reconnaissance-Quaker Settlement Property

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

WHEREAS, the Town is required, per NYS Office of Parks, Recreation and Historic Preservation, to obtain a Cultural Resources Survey for the newly purchased parkland on Abbott Road and Big Tree Road (Route 20A). The cultural resource survey is a requirement for the grant that the Town obtained for this parcel, per the Town Attorney, and

WHEREAS, the work will consist of record investigation along with field work which includes shovel testing of the site. The Town Engineer has solicited services from three area consultants, Rochester Museum & Science Center, Pan-American Consultants, and Archaeological Survey UB, of which two of the consultants outlining the services they will provide and the third consultant is unable to schedule this work and did not submit a cost estimate for this site, and

WHEREAS, a Phase IA Cultural Resource Investigations will be conducted with an examination of the site files held at the NYSOPRHP, documentation of the soil capabilities within the project area and an analysis of historic maps and atlases. A Phase IB Cultural Resource Investigation will involve the excavation of shovel test pits at 50-ft intervals within the project area. It is estimated that approximately 700 shovel test pits will be needed to adequately assess the APE for archaeological resources. Rochester Museum of Science estimated cost to complete the above mentioned work was \$10,350.00.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with Rochester Museum of Science/Regional Heritage Preservation Program, 657 East Avenue, Rochester, New York 14607, to provide a Phase 1A & 1B cultural resource survey and report for the formally known Quaker Settlement Subdivision Land (Brush Mountain Park North) in an amount not to exceed \$10,350.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #14 Town Engineer to Advertise for Bids for Oakwood Ave/Concrete Gutter Project

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

WHEREAS, the Orchard Park Engineering Department has prepared design plans, the necessary right-of-way acquisition descriptions, maps, and is coordinating utility relocations for Oakwood Avenue Reconstruction. The new road section will have a closed drainage system and standard concrete gutters along each side of the pavement, and

WHEREAS, the Highway Department does not have the manpower or capability of installing the amount of concrete gutters required for this project in the necessary timeframe and because the cost is estimated above \$20,000.00 the gutter work must be completed through the formal bidding process, and

WHEREAS, in addition, the Orchard Park Highway Supt. has requested various areas in need of repair, Vistula Drive, Hillside Avenue and Lakeview Avenue, be included in the work scope. The repair areas will be funded from the Highway Department budget and Oakwood funding is from Capital Plan H-74 Pilger, Fay, Glen and Oakwood Reconstruction.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize advertisements in the Orchard Park Bee Publication for sealed bids to be opened for Concrete Gutter Installation on Oakwood Avenue Reconstruction Project and various Town roads at 11:00 A.M. on July 11, 2008 in the Supervisor's Conference Room at the Orchard Park Municipal Center, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #15 Approve Final Change Order for OP Library and Highway Roof Renovation

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

WHEREAS, construction work on the Orchard Park Library and Highway Department Roof Replacement Project has been completed, and on May 8, 2008, 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 twenty-year roof warranty has been submitted along with the Affidavit of Release of Liens, and Affidavit of Subcontractor Payment, and

WHEREAS, a copy of the final project payment request sheet and project payment spreadsheet, which includes lump sum bid items and previously approved change orders has been submitted.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize final payment/release of retention to Progressive Roofing, 331 Grote Street, Buffalo, New York 14207 for the Orchard Park Library and Highway Department Roof Replacement Project in the amount of \$11,717.50, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #16 Approve Change Order #2 with New Cal Construction-2007 Bldg Improvements

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

WHEREAS, the Engineering Department is requesting approval of a Change Order to the contract with New Cal Construction, Inc. for the 2007 Building Improvements Project in the amount of \$1,104.92, which would increase the total contract amount to \$539,659.54, representing an increase of 0.21%, and

WHEREAS, this Change Order is requested to perform additional work not covered under their contract, which involves the Yates Park Bath House and Splash Pad. The new blacktop sidewalk around the new bath house did not meet expectations. Several areas contain a large amount of segregated stone in the blacktop, resulting in rough surface areas. The primary sub-contractor will be completing corrective measures, resulting in a smoother finished surface by using crack filler and seal the blacktop sidewalk with a sand/sealer, filling in the rough spots. This work will result in additional time & material costs in the amount not to exceed \$862.50, and

WHEREAS, the remaining work under this Change Order involves the addition of graphics to the Splash Pad surface in the form of waves around the perimeter of the pad. This work will result in additional costs in the amount of \$242.42.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Change Order #2 to our contract with New Cal Construction, Inc. for the 2007 Building Improvements Project; Hwy Building Addition, Compost Equipment Pole Buildings, Yates Park Bath House & Splash Pad and Dog Control Addition in the amount of an increase of \$1,104.92, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #17 Town Board Request Lead Agency Status-Eagle Crest Senior Housing Project

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

WHEREAS, Calamar has petitioned the Town to rezone property on Weiss Avenue to Senior Residence designation to construct a Senior Housing Project know as Eagle Crest Senior Housing, and

WHEREAS, it is appropriate that this project be classified as a Type I action pursuant to the State Environmental Quality Review Act,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does declare this project a Type 1 action under SEQRA and that the Town Board will seek Lead Agency status and initiating a coordinated review process.

The resolution was unanimously adopted.

New Business #18 & 19 Refer to the Planning Board and/or Conservation Board:

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 does hereby refer the following items listed on the agenda to the Planning Board and/or Conservation Board:

- David Manko of Seneca Creek Development proposing rezoning of 6856 Milestrip Road, formerly known as the Haas Farm, Zoned R-2. Requesting to rezone a portion of the property from R-2 to R-3. The applicant then proposes to rezone entire property, 53 +/- acres, from R-3 to SR.
- Thomas Johnson, Inc., vacant land, South Taylor Road, Zoned I-1. Applicant is proposing the construction of a 3,100 +/- square feet office building. Zoning Board of Appeals granted an Area Variance on 8/21/07 for a 15-foot setback.

The resolution was unanimously adopted.

Business from the Floor

Louis Behm – Talked about the traffic congestion in the Town and how a Walmart would make it worse.

Sal Cerrone – Had questions regarding the Little League fields, and liability; parking and traffic concerns with Walmart.

Marcia Kochan – She said she is fearful for the aesthetics of Orchard Park with the proposed Wal-Mart.

Patrick Keem – He said he feels a well designed Walmart is not a bad idea as long as there are stipulations put in place that cover the cleaning and maintenance of the store.

Ron Stadelmaier – He stated that he made two attempts to meet with the Town Clerk to discuss Town Board minutes, with no success. He wanted to hear about the Moratorium Overlay Committee as discussed with Councilwoman Ackerman.

Elected Officials & Department Heads

19) 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 following Budget Transfer:

Tax Office

\$500.00 From: A.1330.000.413 Travel & Conference
 To: A.1300.000.419

Budget Amendment

\$260.00 Increase Use of Town Historian Reserves A511 Appropriated Reserves
 Increase Appropriations A.960.7510.419 Town Historian – Other Expenses

The resolution was unanimously adopted.

Councilwoman Ackerman stated that the Orchard Park Vet Hospital had moved to its new office and had their grand opening today. She also stated that if the proposed Walmart is approved, stipulations regarding parking, maintenance and landscaping can be included in the legislation. Councilwoman Ackerman outlined the membership and goals of the “Architectural Overlay District” committee.

Councilman Kaczor stated that the Historic Preservation Committee put a lot of time and research into the Bray property. He said that development and expansion quickly knocks down many historical structures, and since there have been rumors about the Bray residence being sold, they did not want that to happen to the historical Bray house.

Councilman Dietrick stated that the Town does own all the properties that the Little League uses, and the Little League does purchase liability insurance. He also stated that the Town Board is going to meet with the elected and appointed personnel to discuss health insurance.

Town Clerk, Janis Colarusso, stated that in order to save gas and time, many of the licenses and permits may be handled by mail. She also stated that the Town’s website has a lot of information for our residents and encouraged people to visit it at www.orchardparknyny.org.

Superintendent Piasecki outlined the current paving jobs of the Highway Department. He also stated that the DEC inspected the Compost Site and again it passed with flying colors.

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

General Fund	\$82,884.51
Part Town Fund	\$345.95
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$20,690.75
Special Districts	\$112,642.23
Trust & Agency	\$13,946.87
Capital Fund	\$235,918.05

The resolution was unanimously adopted.

Receive & File Communications & Reports

21) 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:

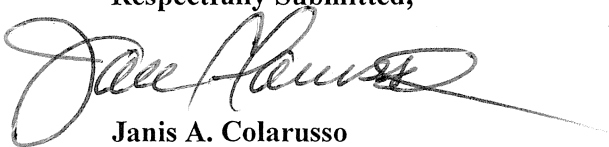
Communications: New York State Public Interest Research Group: Letter regarding a door-to-door outreach in the Town of Orchard Park beginning May 1 through to August 31, 2008, and Town of Tonawanda: Proclamation in regards to the Valuation of Condominiums, and Town of Newstead: Proclamation in support of revision to GML Section 239-N.

Reports: The Building Inspectors Monthly Report & Building Permits for May 2008.

The resolution was unanimously adopted.

There being no further business, on motion by Supervisor Travers Murphy, seconded by Councilwoman Ackerman, to wit: the meeting was adjourned at 8:16 PM (local time).

Respectfully Submitted,



Janis A. Colarusso
Town Clerk