

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 21st day of June 2006 at 7:00 P.M., (local time). The meeting was called to order by the Supervisor and there were:

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|------------------------------|-------------------------|------------------------|
| 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."*

Minutes - Tabled: May 17, 2006 & Special Meeting May 25, 2006

Old Business #1 - 3675 Abbott Road, Requesting a Change-In-Use from Residential to Business

1) 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 a *Change-In-Use* for Kam/Young, 3675 Abbott Road, from residential to business in order to operate a Beauty Salon. The Planning Board, 6/14/06, recommends approval with the following conditions and stipulations:

- This is an Unlisted SEQR Action based on the submitted Long EAF and a Negative Declaration is declared.
- The site lighting is limited to those fixtures and poles indicated on the approved site plan. Light fixtures shall have flat lens, and shall not exceed 150 watts per bulb.
- No outside storage or display permitted.
- Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with Section 144-25 of the Town Code.
- A two (2) year landscape completion bond (\$5,130) or a certified check (\$2,565) in accordance with the Conservation board minutes shall be provided for the approved landscape plan, prior to the receipt of a Building Permit.
- An area variance was granted by the Zoning Board of Appeals on 3/21/06.
- Town Engineering Approval has been granted on 6/14/06.

The resolution was unanimously adopted.

Old Business #2 – 4180 Abbott Road Requesting a Building Permit for a Chiropractic Office

2) 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 a Building Permit to Helping Hands Chiropractic, 4180 Abbott Road, to construct a 3,000 +/- square feet chiropractic office. The Planning Board, 6/14/06, recommends approval of the building permit and the site plan of 6/9/06, based on the following conditions and stipulations:

- This is an Unlisted SEQR Action based on the submitted Short EAF, Parts 1 & 2, and a Negative Declaration is declared.
- The site lighting is limited to those fixtures and poles indicated on the approved site plan. Light fixtures shall have flat lens and the two lights on the north side of the property shall have house shields.
- No outside storage or display is permitted.
- A two-(2) year landscape completion bond (\$11,990) or a certified check for (\$5,995.50) in accordance with the Conservation Board minutes shall be provided for the approved landscape plan, which includes 66% green space, prior to the receipt of a Building Permit.
- Town Engineering Approval was granted on 6/14/06.

The resolution was unanimously adopted.

Old Business #3 – 23 Cobham Drive, Schedule a Public Hearing for Re-Zoning for Value Centric

3) 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 schedule a Public Hearing for Wednesday, July 5, 2006 at 7:00 PM, for Value Centric, 5684 Big Tree Road, Zoned R-3. Requesting to rezone a small portion of the property (75 feet x 233 feet) from R-3 to I-1 to construct a 10,275 +/- building, and be it further

RESOLVED, that the Town Board does hereby authorizes the Town Clerk to publish due notice thereof.

Councilman Jemiolo stated there is a single house lot that sits in the middle of industrial land that needs to be changed. It should have been changed 20 years ago when the property was changed to industrial.

The resolution was unanimously adopted.

Old Business #4 – ⁵⁷³²5758 Big Tree Road, Requesting a Building Permit for an Addition

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

RESOLVED, that the Town Board does hereby authorize a Building Permit to Polymer Conversions, 5758 Big Tree Road, to construct a 21,588 +/- square feet addition to the west side of the existing building. The Planning Board, 6/14/06, recommends approval of the building permit and the site plan that was received 6/1/06, with the following conditions and stipulations:

*monday
11/7/06
Reso # 5*

- This is an Unlisted SEQR Action based on the submitted Long EAF, Parts 1 & 2, and a Negative Declaration is declared.
- The site lighting is limited to those fixtures and poles indicated on the approved site plan. Light fixtures shall have a flat lens.
- No outside storage or display is permitted.
- A two-(2) year landscape completion bond (\$4,265) or a certified check (\$2,132.50) in accordance with the Conservation Board minutes shall be provided for the approved landscape plan prior to the receipt of a Building Permit.
- Town Engineering Approval was granted on 6/14/06.

The resolution was unanimously adopted.

Old Business/Added to the Agenda: Quaker Crossing Southwest Corner of Retail Center.

5) 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 a Building Permit to Quaker Crossing Southwest Corner of Retail Center off Milestrip Road, a 22,000 +/- square feet building for a "Borders Book Store", a proposed 1,700 +/- square feet Cold Stone Creamery, with the remaining 3,300 +/- square feet +/- for unnamed tenants and a 6,372 +/- square feet building for a "Red Robin" restaurant and approve the site plan received, 6/14/06, with the following conditions and stipulations:

- This is an Unlisted SEQR Action based on the submitted Short EAF, Parts 1 & 2, and a Negative Declaration is declared.
- The site lighting is limited to those fixtures and poles indicated on the approved site plan. Light fixtures shall have a flat lens. Fixtures cuts are to be provided to the Planning Office and verified.
- 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. The south side dumpster (on Milestrip Road) shall have masonry that matches the building.
- A two-(2) year landscape completion bond (\$26,390) or a certified check (\$13,195) in accordance with the Conservation Board minutes shall be provided for the approved landscape plan, which includes 37.29% green space, prior to the receipt of a Building Permit.
- Planning Board approval is granted, contingent upon approval from the Engineering Department.

The resolution was unanimously adopted.

New Business #1 Building Inspector to Hire a Lawn Care Service for Property in Orchard Park

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

RESOLVED, that the Town Board does hereby authorize the Building Inspector to hire a Lawn Care Service for property that has been neglected at 6784 Powers Road, 7350 Milestrip Road and 5055 Chestnut Ridge Road, and be it further

RESOLVED, that the cost of the lawn care service will be applied to each of the tax roll for the individual properties.

The resolution was unanimously adopted.

New Business #2 Tabled: Town Board to renew the Development Permit for sub lot #25 on Freeman Road to finish the filling and grading on the southern section of the lot. The scope of the project is a small strip of land approximately 40' x 150' which will be graded and seeded.

New Business #3 Tabled: Town Board to authorize the Supervisor to sign the contract between the Town of Orchard Park and *Camptocamp SA* to provide software development services for the 2005-2006 Real Property System Grant.

New Business #4 Village of Orchard Park Requesting to the Use of the OP Library Grounds

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

RESOLVED, that the Town Board does hereby authorize the Village of Orchard Park the use of the Orchard Park Library grounds for their Annual Summer in the Park Ice Cream Social on Friday, July 28th from 7:00 PM to 10:00 PM, and for the Street Dance on Saturday, July 29th from 7:30 PM to 11:30 PM. Set up will begin at 5:00 PM each day after the Library closes for the day, and be it further

RESOLVED, that the Village of Orchard Park will supply the Town with a Certificate of Insurance.

The resolution was unanimously adopted.

New Business #5 Part-time Employee for the Planning Office

8) 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 appointment for a Part-time employee for the Planning Office, Amy Glende, two (2)-days per week for four (4)-weeks to perform filing tasks, at a pay rate of \$7.00 per hour, as requested by the Planning Coordinator.

The resolution was unanimously adopted.

New Business #6 Appointment to the Sewer & Lightening Department / Laborer Position

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

WHEREAS, the retirement of Eugene Woodard and Donald Wittrock has created two vacant positions within the Sewer & Lighting Department, and one position has been filled, and

WHEREAS, in the past the Sewer & Lighting Department has operated with six permanent employees, supplemented by a seasonal employee during the summer months, and

WHEREAS, the Town Board has made a preliminary determination that the Sewer & Lighting Department will be downsized to four permanent positions when the operation of all of our public water system was turned over to the Erie County Water Authority in October 2004, and

WHEREAS, since December 4, 2004, the Sewer & Lighting Department have operated with four employees until the retirement of Eugene Woodard, after which the operation was carried out with three employees, including the summer help and engineering department staff at times, and with the little interest in the seasonal employee advertisement adding to the manpower shortage, there is a greater need to address the vacant permanent position, and

WHEREAS, although the Town Board is considering turning the sanitary sewer system over to Erie County, in the interim, the Town Engineer believes it to be necessary to return the Department to full strength (four employee) in order to properly carry out its duties and responsibilities, and until the Town-wide Sanitary Sewer Study can be completed, and

WHEREAS, in accordance with provisions of the CSEA collective bargaining agreement, the Town Engineer has noticed the job opening posted in the Sewer & Lighting and Highway Departments. There has been no other formal announcement or advertisement of the vacant position, and

WHEREAS, the position is classified as a non-competitive civil service title by the Erie County Personnel Department. All of the applicants will be informed of the possibility of further downsizing the Department and potential layoff with the lowest seniority possibly at the end of 2007.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the advertisement in the Southtowns Citizen for Laborer Union Level 1 Position in the Sewer & Lighting Department to fill the vacancy.

The resolution was unanimously adopted.

New Business #7 Approve Public Improvement Permit #2006-001 for the Armor Knoll Subdivision

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

WHEREAS, the Engineering Department has received from Andrew Romanowski, ARR Holdings LLC, 4727 Camp Road, Hamburg NY, an application for a Public Improvement Permit to construct the Armor Knoll Subdivision, and

WHEREAS, the project consist of the installation of 1,300 L.F. of roadway and public utilities to serve 12 new sublots as shown on the attached location map. The project also includes the installation of a trail and pedestrian bridges along the South Tributary to the South Branch of Smokes Creek on the property to be deeded to the Town, and

WHEREAS, the Town Engineer has reviewed the plans and specifications for the proposed project, found them to be in compliance with current Town specifications and they are in receipt of all necessary fees, bonds and insurances.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Public Improvement Permit #2006-001 for the Armor Knoll Subdivision.

The resolution was unanimously adopted.

New Business # 8 Independence Heights Subdivision to Hold Neighborhood Block Party

11) 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 request from the residents who live in Independence Heights Subdivision to hold a Neighborhood Block Party at the end of Independence Drive in the cul-de-sac on Saturday, September 9, 2006 at 4:00 PM.

The resolution was unanimously adopted.

New Business #9 Orchard Meadow's to Hold their Annual 4th of July Parade

12) 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 approve the request from the Orchard Meadow Parade Committee to hold their Annual 4th of July Parade, Tuesday, July 4, 2006, the parade will begin in the early morning with refreshments and be finished by 12:00 PM, Noon, and be it further

RESOLVED, that the Town Board does hereby direct the Highway Superintendent to barricade the street for public safety.

The resolution was unanimously adopted.

New Business #10 & 11 Permits for Public Display of Fireworks for Tabernacle & St. John Vianney

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

RESOLVED, that the Town Board does hereby authorize the Permit for Public Display of Fireworks for The Tabernacle to be held July 2, 2006, and be it further

RESOLVED, that the Town Board does hereby authorize the Permit for Public Display of Fireworks for St. John Vianney Church to be held July 21, 22 and 23, 2006, and be it further

RESOLVED, that all required Permits and Insurances are on file in the Town Clerks Office.

The resolution was unanimously adopted.

New Business #12 Permit for Public Display of Firework for Armor Bible Presbyterian Church

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

RESOLVED, that the Town Board does hereby authorize the Permit for Public Display of Fireworks for Armor Bible Presbyterian Church to be held June 30, 2006, upon receipt of their insurance certificate.

The resolution was unanimously adopted.

New Business #13 Highway Department to Purchase a New 2006 Front Mount Mower

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

WHEREAS, in accordance with the equipment replacement and update program, the Highway Department is looking to purchase a new mower, which money is in the Parks & Grounds Budget, and

WHEREAS, the bidding results for a new 2006 front mounted mower are as follows based on the specifications issued: Lamb & Webster, Inc., \$12,800; Saxby Implement Corp., \$13,100; and Southern Tier Trailer Sales \$13,150.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Highway Superintendent to purchase from Lamb & Webster, a New 2006 Front Mount Mower, at a cost not to exceed \$12,800.00.

The resolution was unanimously adopted.

New Business #14 Lion Club Requests Use of Green Lake for the Annual Fishing Derby

16) 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 approve the request of the Orchard Park Lions Club for the use of Green Lake at Yates Park for the Annual Orchard Park Fishing Derby, to be held Sunday, June 25, 2006. Registration and fishing begins at 9:00 AM to 11:00 AM. The fishing derby will conclude at 4:00 PM. No fishing licenses are required for New York State Department of Environmental Conservation Free Fishing days are this weekend.

The resolution was unanimously adopted.

ELECTED OFFICIALS AND DEPARTMENT HEADS

Budget Transfers

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

WHEREAS, the Town requires certain temporary clerical assistance in the Planning Department, and

WHEREAS, the Town's 2006 adopted budget for the Planning Department does not currently contain appropriations for such temporary assistance, and

WHEREAS, the funding for these services is available within other appropriation accounts.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the transfer of appropriations within the Town outside Village Fund as follows:

Increase Appropriation Account:

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|---------------|---------------------------------|----------|
| B8020.000.141 | Planning – Temporary Assistance | \$600.00 |
|---------------|---------------------------------|----------|

Decrease Appropriation Account:

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| B1910.000.480 | State Aid – Record Management | \$600.00 |
|---------------|-------------------------------|----------|

The resolution was unanimously adopted.

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

WHEREAS, the Town has experienced legal issues which require the services of outside attorneys, and

WHEREAS, the Town's 2006 adopted budget does not include sufficient appropriations to meet required outside legal service costs, and

WHEREAS, the Town does have funding available in its contingent appropriation account and wishes to adequately fund the outside legal costs.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the transfer of appropriations within the Town's 2006 budget to provide appropriations to pay for the cost of such services:

Increase Appropriation Account:

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|-----------|-----------------------------|-------------|
| A1420.455 | Law – Outside Legal Service | \$60,000.00 |
|-----------|-----------------------------|-------------|

Decrease Appropriation Account:

| | | |
|-----------|----------------------------|-------------|
| A1910.480 | Special Items – Contingent | \$60,000.00 |
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The resolution was unanimously adopted.

Councilwoman Ackerman announced that her review of the Town Comprehensive Plan has been completed, and the final rendition that everyone has been waiting for, is ready to present this evening. She stated it is ninety (90) pages of figures, maps and text that has to be reviewed by the Town Board and the department heads. After that there will be a Public Hearing for citizen input, a SEQR Review, and then eventually adoption. Councilwoman Ackerman said this Plan is just a guideline and guidance, which needs to be available to people so they understand how we all view our community and how it is developing.

Councilman Jemiolo stated that in order to give Town Employees good medical coverage at reasonable rates, he and the Supervisor sat down with the Insurance Committee (representatives from all the union and non-union employees) to see how to achieve this goal. In the meantime, the Town's representative from Benefits Advantage was looking into the cost differential between a "community rated plan" and an "experienced rated plan" for the Health Insurance. They put together a package that will give everyone the same coverage as they have now, but it will be experienced rated as opposed to community rated, and this will save the Town at least \$400,000.00 in the next year.

Councilman Jemiolo stated that the Town hopes to do better as they move through the discussion process with the employees, but the Town currently has the opportunity to achieve some savings immediately by switching from Community rated to Experience rated health insurance.

Direct Medical/Benefit Advantage

19) 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 direct Benefits Advantage to convert all the Town of Orchard Park employees from Community Rated Plans to Experience Rated Plans as presented to the Town.

Councilman Jemiolo stated that the employees who have Traditional Blue Cross/Blue Shield shall remain the same. The other employees are on about seven different types of HMO plans, and they will all be converted to one plan which is a Point of Service (POS) 201. This will result in an upgrade of coverage for some employees, and equivalent coverage for the other employees.

The resolution was unanimously adopted.

Summer 2006 Staff Appointments for the Recreation Department

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

RESOLVED, that the Town Board does hereby authorize the following Summer 2006 Recreation Staff Appointments, dependent upon the applicant providing the required certifications, as recommended by the Recreation Director:

| Name | Address | Position |
|-------------------|-------------------------------------|-----------------|
| Linda Sherry | 18 Sickmon Avenue, Hamburg NY 14075 | PT2-D Attendant |
| Sandra Trampert | 71 Fairway Drive | PT2-D Attendant |
| Thomas Wellington | 6771 Jewett Holmwood Road | PT2-D Attendant |

The resolution was unanimously adopted.

Councilman Kaczor talked about the Business First article rating the Towns and Villages in Erie County based on quality of life issues. Orchard Park came in second amongst the towns considered as the "inner ring".

Councilman Dietrick stated that the Public Safety committee looked at the complaint of Angela Abruzzino, who lives on Freeman Road. Freeman/Webster Rd is a County Road and there is not much the Town can do about it. But, he stated that Police Chief McCunn will increase patrols along there. Councilman Dietrick discussed his economic overview of the State of New York as compared to other states, and reviewed some of the numbers of the report he submitted.

Bond Resolution for Forest Avenue Bridge

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

RESOLVED, a resolution authorizing the Reconstruction of Forest Avenue Bridge, authorizing the issuance of serial bonds of the Town of Orchard Park, Erie County, New York in an Aggregate Principal Amount, not to exceed \$700,000 pursuant to the Local Finance Law, to finance said purpose and delegating the power to issue bond anticipation notes in anticipation of the sale of such bonds to the Town Supervisor, and be it further

RESOLVED, by the Town Board of the Town of Orchard Park, Erie County, New York (the "Town") (by favorable vote of not less than three-fifths of all the members of the Board) as follows:

Section 1. The class of objects of purpose (herein referred to as "Purpose") to be financed pursuant to this resolution is the reconstruction of Forest Avenue Bridge. The estimated maximum cost of said Purpose is \$700,000.

Section 2. The Town Board plans to finance the total cost of said Purpose by the issuance of serial bonds of the Town in an amount not to exceed \$700,000 hereby authorized to be issued therefore pursuant to the Local Finance Law.

Section 3. It is hereby determined that said purpose is an object or purpose described in subdivision 10 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 20 years.

Section 4. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

Section 5. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of such bonds by virtue of paragraph 9 of subsection d. of Section 107.00 of the Local Finance law with respect to the Purpose authorized to be financed hereby.

Section 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 7. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00, and 56.00, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes and the power to prescribe the terms, form and content, and the manner of execution of the same, of said serial bonds, and said bond anticipation notes, including the consolidation with other issues, and also the availability to issue bonds with substantially level or declining annual debt service, and the power to sell and deliver said serial bonds and any bond anticipation notes issued in anticipation of the issuance of such bonds, is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. Such bonds and bond anticipation notes shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain

such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Town Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt obligations" in accordance with Section 265(b)(3) of the Code.

Section 9. Pending the sale of bonds herein authorized, the temporary use of funds from the Town's general fund, pursuant to the provisions of Section 165.10 of the New York Local Finance Law, is hereby authorized. The Town reasonably expects to reimburse itself from the proceeds of bonds or notes herein authorized for expenditures made for the purpose to be financed by this resolution prior to the issuance of such bonds or notes, and this resolution is intended to constitute a declaration of official intent to reimburse for the purposes of U.S. Treasury § 1.150-2.

Section 10. The Town has determined that the reconstruction of the Forest Avenue Bridge is a Type II Action which will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQR") is required.

Section 11. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
3. Such obligations are authorized in violation of the provisions of the Constitution of New York.

Section 12. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the Southtowns Citizen, the official newspaper of said Town, after a period of time shall have elapsed for the submission and filing of a petition for a permissive referendum and a valid petition shall not have been submitted and filed.

Section 13. The firm Hiscock and Barclay, LLP is hereby appointed Bond Counsel of the Town in connection with the bonds and notes herein authorized.

Section 14. This resolution is adopted subject to a permissive referendum pursuant to Section 35.00 of the Local Finance Law and the Town Clerk is hereby authorized and directed within ten (10) days after the adoption of said resolution, to cause to be published a notice which sets forth the date of the resolution's adoption and contains an abstract of the resolution concisely stating its purpose and effect.

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| Supervisor Mary Travers Murphy | Aye |
| Councilwoman Nan Ackerman | Aye |
| Councilman Stanley Jemiolo, Jr. | Aye |
| Councilman David Kaczor | Aye |
| Councilman Mark Dietrick | Aye |

The resolution was unanimously adopted.

Minutes and Tape from the Planning Department

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

WHEREAS, attorney Robert Walsh, representing Gerald Buchheit of Quaker Crossing Inc., has submitted a letter to the Town Attorney requesting the Orchard Park Town Board adopt a resolution authorizing the Town Attorney to take the original audio tape of the November 9, 2005 Planning Board minutes, and

WHEREAS, the letter also requests copies of the minutes of the same meeting in order to compare the original audio tape to the Planning Board minutes

RESOLVED, that the Town Board does hereby approve the request of Robert Walsh, as attorney for Gerald Buchheit of Quaker Crossing Inc., for the Town Attorney to secure, in his office, the original tape, minutes and any drafts of the Planning Board meeting on November 9, 2006.

Councilman Dietrick stated he felt the Town Clerk should join the Town Attorney in the review of the Planning Board minutes and tape, as they are Public Records. He also felt the Planning Coordinator should be notified of this resolution in the morning.

The Town Clerk wanted to establish that the tape will remain in the control of the Town Attorney, and not anyone else, and that to make a copy of the original tape would be proper thing to do.

The resolution was unanimously adopted.

Building Inspector, Andy Geist, reported that the house at 3924 Ellicott Road, which was declared as "Dangerous and Unsafe", has been demolished at the expense of the owner. He also stated that the Town Board mandated mowing of overgrown yards has taken place and this week there are three more that need to be addressed, and will be taken care of. He stated that most of these homes are abandoned or in foreclosure.

Chief of Police Attending Seminar in West Point

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

RESOLVED, that the Town Board does hereby approve the request of the Chief of Police to attend the New York State Chiefs of Police Annual Training Conference at West Point, New York, July 17th – 20th, as stipulated in the budget.

The resolution was unanimously adopted.

Highway Superintendent, Fred Piasecki, outlined his report on "Right-of-Way Drainage" to date. He also stated that the Lions Club is holding their "Fishing Derby" this Sunday, from 9:00 am to 4:00 pm.

Town Engineer, Wayne Bieler, stated that the Town has received the NYS Office of Parks and Preservation Grant for Birdsong Park Nature Trails in the amount of \$54,317.00, remaining part of that grant will be received when the project is closed out.

24) 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 #12 following auditing by members of the Town Board and in the funds indicated:

| | |
|---------------------------|--------------|
| General Fund | \$327,579.42 |
| Part Town Fund | \$6,718.72 |
| Risk Retention | 0 |
| Cemetery Fund | 0 |
| Highway Fund | \$155,283.62 |
| Special Districts | \$125,938.49 |
| Trust & Agency | \$19,475.25 |
| Capital Fund | \$146,329.61 |

The resolution was unanimously adopted.

Receive & File Reports

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

RESOLVED, that the Town Board does hereby receive and file the following Reports: Building Inspector Andy Geist: Monthly Report and Building Permits for May 2006; Chief of Police Sam McCune: Monthly Report for May 2006; and Highway Superintendent Fred Piasecki: submitted a report stating the town roads ditch lines are being cleaned. Councilman Dietrick: New York State Economic Report.

The resolution was unanimously adopted.

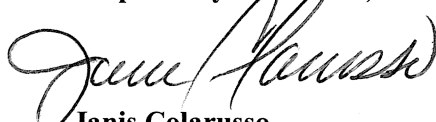
BUSINESS FROM THE FLOOR

Nicholas Taneff – 279 Summit Avenue: Mr. Taneff feels that more and more people/businesses are flaunting Town Ordinances put in place to keep properties clean and safe. He feels that there should be some teeth put into our laws through ordinances and heavy fines to address these issues. And, he also feels the Building Inspectors office needs additional help to keep up with these issues as well.

Robert Frantsits – 4270 California Road: Mr. Frantsits talked about the water/drainage problems he has in his home and on his property.

There being no further business from the floor, on motion by Councilwoman Ackerman, and seconded by Councilman Jemiolo, to wit; the meeting was adjourned at 7:59 PM (local time). At this time the Town Board closed the meeting in memory of Donald Litwin who passed away. A moment of silence was held in his honor.

Respectfully Submitted,


Janis Colarusso
Town Clerk

