

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 5th day of July 2006 at 7:00 P.M., (local time). The meeting was called to order by the Supervisor and there were:

PRESENT AT ROLL CALL:	Mary Travers Murphy	Supervisor
	Nancy W. Ackerman	Councilwoman
	Stanley A. Jemiolo, Jr.	Councilman
	Mark C. Dietrick	Councilman
	Janis Colarusso	Town Clerk
	Leonard Berkowitz	Town Attorney
	Andrew Geist	Building Inspector
	Patrick McMaster	Police Lieutenant
	Frederick Piasecki, Jr.	Highway Superintendent
	Wayne Bieler	Town Engineer
ABSENT:	David R. Kaczor	Councilman
	Samuel McCune	Chief of Police

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."*

Councilman Kaczor was absent this evening as he was vacationing with his family.

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

RESOLVED, that the minutes of the Town Board Meeting(s) held on May 17, 2006, June 7, 2006, and the Special Meeting/Executive Session held on May 25, 2006, as presented by the Town Clerk, are hereby approved, and be it further

RESOLVED, that the reading of these minutes be dispensed with as each member of the Town Board has previously received copies thereof.

The resolution was unanimously adopted.

PUBLIC HEARING

At 7:00 P.M. (local time), the advertised time, the Supervisor called for the Public Hearing to hear all interested parties for or against the Establishment & Creation of the Town Drainage District OPDD 1-1.

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. The affidavit is entered into and attached to these minutes.

Supervisor Travers Murphy asked if anyone would like to speak for or against this project.

Opposed: Robert Kelly, 4582 California Road: Asked about the taxes, flooding, and his environmental concerns for this project.

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

RESOLVED, that the Public Hearing in the matter of the Establishment & Creation of the New Town Drainage District OPDD 1-1, is hereby closed at 7:11 P.M. (local time).

The resolution was unanimously adopted.

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

WHEREAS, a map, plan and report relating to the establishment of a proposed Town of Orchard Park Drainage District #1-1 as prepared by William Schutt, Associates, Inc., a duly licensed civil engineers of the State of New York, in a manner and in such detail as has been determined by this Town Board, has been duly filed with the Town Clerk, in accordance with the requirements of Article 12 of the Town Law; and

WHEREAS, an Order was duly adopted by this Town Board on June 7, 2006, reciting the filing of said map, plan and report, the improvements proposed, the boundaries of the proposed district, the proposed method of financing, the fact that the map, plan and report describing the same are on file in the Town Clerk's Office for public inspection, and stating all other matters required by law to be stated, and specifying July 5, 2006, at 7:00 in the evening of said day as the time, at the Town of Orchard Park Town Hall, at S 4295 South Buffalo Street, Orchard Park as the place where this Town Board would meet and consider said map, plan and report, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law; and

WHEREAS, such order was duly published and posted as required by law; and

WHEREAS, a hearing on said matter was duly held by said Town Board on July 5, 2006 at 7:00 p.m. in the afternoon of said day, in the Orchard Park Town Hall, at 4295 South Buffalo Street, Orchard Park, New York, and there was one person appearing in opposition; and

WHEREAS, pursuant to said petition, it is the intention of the petitioner, as sole owner of all the taxable property in said drainage district, to construct said drainage improvements solely at its own expense, now, after due deliberation, it is

RESOLVED AND DETERMINED:

- A. That the notice of hearing was published and posted as required by law, and is otherwise sufficient;
- B. That all property and property owners in the proposed district are benefited thereby;
- C. That all property and property owners benefited are included within the limits of the proposed district;
- D. That it is in the public interest to establish said district;
- E. That the petition is signed, acknowledge or proved, or authenticated as required by law and is otherwise sufficient;

RESOLVED AND DETERMINED, that the establishment of the proposed district as set forth in said map, plan and report be approved; that the improvements therein mentioned be constructed by the petitioner; and such district shall be known and designated as the "Town of Orchard Park Drainage District number 1-1" and shall be bounded and described as set forth, as "Exhibit A" and be it further

RESOLVED AND DETERMINED, that the improvements for such drainage district are to be constructed by ARR Holdings, LLC, the owner of the "Exhibit A" premises, solely at its own expense, and it has offered to convey the same without cost to the Town of Orchard Park, free and clear of encumbrances except the right of access to said improvements by adjoining land owners; and be it further

RESOLVED AND DETERMINED, that the Town Clerk be and hereby is authorized and directed to file a certified copy of this resolution in the office of the Clerk of the County of Erie, which is the County in which the said Town of Orchard Park is located, and the office of the State Department of Audit and control, within 10 days after the adoption of this resolution, pursuant to the provisions of Section 195 of the Town Law.

Mary Travers Murphy	Aye
Nancy Ackerman	Aye
Stanley Jemiolo, Jr.	Aye
David Kaczor	Absent
Mark Dietrick	Aye

The resolution was unanimously adopted.

PUBLIC HEARING

At 7:12 P.M. (local time), the advertised time, the Supervisor called for the Public Hearing to hear all interested persons for or against an amendment to rezone a small portion of vacant land (75 feet x 233 feet) at 5684 Big Tree Road from R-3 to I-1 in order to construct a building for Value Centric, as petitioned by Peter Krog.

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. The affidavit is entered into and attached to these minutes.

Supervisor Travers Murphy asked if anyone would like to speak in favor or in opposition.

No one spoke.

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

RESOLVED, that the Public Hearing in the matter of the Amendment to the Zoning Ordinance of the Town of Orchard Park to rezone a small portion of vacant land at 5684 Big Tree Road from R-3 to I-1, is hereby closed at 7:14 P.M. (local time).

The resolution was unanimously adopted.

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

WHEREAS, following due and timely notice, a public hearing relating to the matter of the Amendment to the Zoning Ordinance of the Town of Orchard Park, which Amendment provides as follows: To rezone a small portion of vacant land (75 feet x 233 feet) at 5684 Big Tree Road from R-3 to I-1 in order to construct a building for Value Centric, as petitioned by Peter Krog, and

WHEREAS, the Public Hearing was conducted at the Municipal Center, 4295 South Buffalo Street, Orchard Park, NY 14127, on the 5th day of July 2006, 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 Section 239-m of the General Municipal Law was received and filed by the Town Board, and

WHEREAS, no recommendation from the Town of Orchard Park Planning Board was received and filed with the Town Board, and

WHEREAS, a Negative SEQR Declaration was made by the Town Board.

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 a small portion of vacant land (75 feet x 233 feet) at 5684 Big Tree Road from R-3 to I-1.

ALL THAT TRACT OR PARCEL SITUATED in the Town of Orchard Park, County of Erie and State of New York, being part of Lot 31, Township 9, Range 7 of the Holland Land Company's Survey, being more particularly described as follows:

Beginning in the centerline of Big Tree Road, also known as Route 20A, at a distance of 692.34 feet easterly from the centerline of California Road, as measured along said centerline of Big Tree Road; Thence N00°58.14"E, a distance of 233.00 feet; Thence S79°52'06"E and parallel with the centerline of Big Tree Road, a distance of 75.00 feet; Thence S00°58'14"W and parallel with the first described line, a distance of 233.00 feet to the centerline of Big Tree Road; Thence N79°52'06"W along said centerline, a distance of 75.00 feet to the point of beginning.

And be it further

RESOLVED, that this ordinance shall take effect ten (10) days after publication and posting in accordance with law, and be it further

RESOLVED, that the Town Clerk publish and post a copy of said amendment in accordance with § 264 & 265 of Town Law.

Councilman Jemiolo stated that the parcel of land being rezoned this evening is situated in the middle of industrial property. This piece of property should have been grandfather in a long time ago.

The resolution was unanimously adopted.

PUBLIC HEARING

At 7:15 PM (local time), the Supervisor called for the Public Hearing to hear all interested parties regarding the application for Special Exception Use in an B-1 Zone, for Sam's Club Store with a Tire Mounting Area, fueling station facility and car wash and paved parking, access driveways, utilities and storm water facilities, on Milestrip Road in Quaker Crossing III (South), as petitioned by Falcon Properties, LLC.

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.

Supervisor Travers Murphy asked if there was anyone in the audience who would like to speak in favor or in opposition.

Opponent:

Carl Paladino, representing 9274 Group, Inc: He and his partners own two parcels of land to the east of the Amelia Drive traffic light on the south side of Milestrip Road. They are not opposing the entire application, but are petitioning the Town Board to make an amendment to include an easement into their properties for an access road. Mr. Paladino further asked that the Town Board to instruct that the road south of Amelia Drive be a public road, rather than a private road to allow for the access into these properties. Town Attorney Berkowitz stated that the Planning Board would consider the special exception use and the design stage is not what the application is concerned with now.

John Marlow, 47 Brookins Green: He would be opposed if any other building would be vacated.

Nicholas Taneff, 279 Summit Avenue: He felt this project didn't need an access road off of Milestrip Road.

Proponent:

Tom Lucy, APD Engineering: He was in the audience and stated that he was available for the Town Board if they had questions about the project.

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

RESOLVED, that the Public Hearing in the matter of an application for Special Exception Use in an B-1 Zone, for Sam's Club Store with a Tire Mounting Area, fueling station facility and car wash and paved parking, access driveways, utilities and storm water facilities, on Milestrip Road in Quaker Crossing III (South), as petitioned by Falcon Properties, LLC, is hereby closed at 7:30 PM (local time).

The resolution was unanimously adopted.

Old Business #1 Removed from the Agenda: 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 similar to the adjacent land on Freeman Road (Tabled June 21, 2006)

Old Business #2 Tabled: Authorize the Supervisor to sign the contract between the Town of Orchard Park and *Campocamp SA* to provide software development services for the 2005-2006 Real Property System Grant, they being the lowest bidder, not to exceed \$61,920.00, as recommended by the Network Coordinator. (Tabled June 21, 2006.)

Old Business #3 Added to the Agenda: Value Centric, 23 Cobham Drive

#3
mend
11/15/06
25000 sq ft
7) 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 Value Centric, 23 Cobham Drive, to construct a 10,275 ± sq. ft. building and approve the site plan received, 6/12/06, based on the following conditions and stipulations:

- This is an Unlisted SEQR action based on the submitted Full EAF, and a Negative Declaration is declared.
- The site lighting is limited to eight (8) double headed pole fixtures, three (3) single headed fixtures, all fixtures at 250 watts and 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 §144-25 of the Town Code.
- Town Engineering approval was granted on 6/14/06.
- A two year landscape completion bond in the amount of \$20,799.00 or a certified check in the amount of \$10,399.50 shall be provided for the approved landscape plan, which includes 10% green space, prior to the receipt of a Building Permit, in accordance with the Conservation Board minutes.
- A letter of determination stating there is "no impact" was received from the New York State Parks, Recreation and Historic Preservation on 6/14/2006.

The resolution was unanimously adopted.

Old Business #4 Added to the Agenda: Gian Carlo & Roberta Bruni, 5100 Big Tree Road

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 request from Gian Carlo and Roberta Bruni for a Change in Use for 5100 Big Tree Road, from residential to business, in order to open a restaurant based on the following conditions and stipulations:

- This is an Unlisted SEQR action based on the submitted Short EAF, Parts One and Two 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.
- No outside storage or display is permitted.
- Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with §144-25 of the Town Code.
- A landscape completion bond in the amount of 2,315.00 or a certified check in the amount of \$1,157.50 shall be provided for the approved landscape plan, prior to the receipt of a Building Permit in accordance with the Conservation Board minutes.
- A use variance was granted by the Zoning Board of Appeals on 4/18/06 to allow the applicant to reside in the rear home located on the property.
- Town Engineering approval was granted on 7/3/06.

The resolution was unanimously adopted.

Old Business #5 Added to the Agenda: Sachel Development, South East Corner-Milestrip & Abbott

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

amended
12/20/06
Reso # 2

RESOLVED, that the Town Board does hereby authorize a Building Permit to Sachel Development, South East corner of Milestrip Road & Abbott Road, to construct a 10,275 ± sq. ft. building and to approve the site plan received 6/1/06 based on the following conditions and stipulations:

- This is an Unlisted SEQR action based on the submitted Short EAF, Parts 1 and 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.
- No outside storage or display is permitted.
- Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with §144-25 of the Town Code.
- Town Engineering approval was granted on 6/7/06.
- A landscape completion bond in the amount of \$32,460.00 or a certified check in the amount of \$16,230.00 shall be provided for the approved landscape plan, which includes 11.74% green space, prior to the receipt of a Building Permit in accordance with the Conservation Board minutes.
- The Zoning Board of Appeals granted a variance for front yard parking on 4/18/06.

The resolution was unanimously adopted.

New Business #1 Authorize the Bid Opening for Concrete Gutters for Nieman Drive & North Lane

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

WHEREAS, the Orchard Park Engineering Department is finalizing gutter design plans, specifications and construction documents and the necessary right-of-way/easement acquisition, descriptions and maps have been prepared and the Town is coordinating utility relocations for Nieman Drive and North Lane Reconstruction, and

WHEREAS, the new road section will have a closed drainage system and standard concrete gutters along each side of the pavement and the Highway Department is currently installing underdrain pipe and expects to have subbase ready for concrete gutters by August 10, 2006, and

WHEREAS, the Highway Department does not have the capability of installing the amount of concrete gutters required for this project, and because the cost is estimated at \$20,000.00, the gutter work must be contracted through the formal bidding process

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the advertisement in the Southtowns Citizen for sealed bids to be opened for Concrete Gutter Installation on Nieman Drive and North Lane Reconstruction Project at 11:00 AM on August 1, 2006 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 #2 Appoint Summer Staff to the Sewer & Lighting Department

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

WHEREAS, funds have been allocated in the 2006 budget for a seasonal employee in the Sewer and Lighting Department and

WHEREAS, after interviewing Jordan J. Kellerman and concluding he was capable of performing the job

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the appointment of Jordan J. Kellerman, 6195 Scherff Road, Orchard Park, NY 14127 to a seasonal position in the Sewer and Lighting Department for a twelve week period beginning July 7, 2006 at a wage rate of \$7.50/hour, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #3 Authorize Temporary Assistant for the Town Justice Office

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

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

WHEREAS, the Town wishes to provide such temporary assistance such that the Justice Department can continue to operate in an efficient manner, and

WHEREAS, the funding for these services is available within the Central Services appropriation accounts

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint Ian Szalinski of 7575 Ellicott Road, West Falls, NY 14070, as a temporary assistant in the Town Justice Department with an effective hire date of June 29, 2006 with an hourly pay rate of \$7.00, the working hours are to be determined by the Town Justices, but will not exceed 19 ½ hours per week and this appointment will not go beyond July 10, 2006. The expenditures for this temporary position will be charged to "Central Services-Central Clerical Pool" account A16770.139.

The resolution was unanimously adopted.

New Business #4 "Draft" Update of the Comprehensive Plan & Town Declare Lead Agency/SEQR

13) 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 accept the draft update of the Comprehensive Plan as complete, and declare the Town of Orchard Park as Lead Agency for SEQR (State Environmental Quality Review) review.

Councilwoman Ackerman gave an extensive overview of the draft Comprehensive Plan, and stated that this document is going to be available for public review. Copies of the draft Comprehensive Plan will be in the Town Clerk's office, the Library and in the Supervisor's office. She stated that the Town Board is looking for a great amount of input from the citizens of Orchard Park, and other involved departments, boards and committees, to help shape this important document. Councilwoman Ackerman thanked all the agencies and individuals who helped put this document together.

Councilman Jemiolo said that Councilwoman Ackerman has been involved with the planning aspect of the Town of Orchard Park since 1972 and has put a tremendous amount of time, energy and effort into this Comprehensive Plan and thanked her for all this work. He said now the SEQR process begins; public hearings will be held, decisions will have to be made on the final wording and what adjustments need to be made to the Plan. A SEQR determination shall be made, and then the adoption of the Comprehensive Plan will soon follow.

Councilman Dietrick stated that last year he was brought into the Comprehensive Plan process and realized how much work and effort has gone into this document. He feels that Orchard Park is a beautiful community and looks forward to the input of the citizens and different parts of the community.

Supervisor Travers Murphy stated this is a draft copy of the Comprehensive Plan and she invites everyone to come and look at this draft. She stated that Orchard Park is home to many individuals who have the knowledge and skills to help define a solid, smart visionary Comprehensive Plan and is looking for as much input as possible. She hopes for a huge response from the residents and that the people will come forward and contribute their thoughts and ideas.

Councilwoman Ackerman stated that Wendell Duchscherer Architects & Engineers will be doing the SEQR review for the Town of Orchard Park and she wanted to set a date for a Public Hearing for the Comprehensive Plan.

After some conversation, the Town Board stated that they will contact Wendell Duchscherer as to the status of review process, and at the next meeting, consider setting a date for the Public Hearing if everything is ready. Once the Public Hearing is held, the Town Board can leave it open to receive public comments on the Comprehensive Plan. Also, people can start reviewing the plan now and can turn their comments into the Town Clerk for the Town Board to review.

The resolution was unanimously adopted.

New Business #5 Award the Cleaning Contract for the Town of Orchard Park Municipal Center

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

WHEREAS, a bid opening was held for "Janitorial Services" on the 20th day of June 2006 at 11:00 AM, in the Supervisor's Office, at the Orchard Park Municipal Center, and

NOW, THEREFORE, be it

RESOLVED, that the Town Board is hereby authorized to award the bid for "Janitorial Services" to Clean Sweep Janitorial Services, PO Box 280, Elma, NY 14059, they being the lowest responsible bidder.

The resolution was unanimously adopted.

New Business #6 Summer 2006 Staff Appointments for the Recreation Department

15) 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 following Summer 2006 Staff Appointment to the Town of Orchard Park Recreation Department, dependent upon the applicant providing the required certifications, as recommended by the Recreation Director:

Name	Address	Position
Greg Suffoletto	3016 Clover Bank Rd.	PT1-B

The resolution was unanimously adopted.

New Business # 8 Barrington Heights Subdivision to Hold Annual Block Party

16) 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 approve the request from the residents who live in the Barrington Heights Subdivision to hold their 3rd Annual Block Party for August 26, 2006 2:00 PM, with a rain date of August 27th, and to have the Highway Department to barricade a small portion of the neighborhood to allow the children's safe play and festivities.

The resolution was unanimously adopted.

ELECTED OFFICIALS AND DEPARTMENT HEADS

Councilman Jemiolo stated the Town Board directed their representatives to begin the procedure to legislate a contract with the CSEA Blue Collar Union, as they have been unable to agree to replace the contract that expired back in January 1, 2005, and still are unable to reach a settlement. Two weeks ago, the Town Board announced that they are moving the Blue Cross/Blue Shield health coverage from a Community rated plan to an Experience rated plan which would save the Town \$400,000 over twelve months. Meetings were set up with the non-union and union personnel and their representatives discussing this move, so everyone would be aware of the change prior to the Town Board acting on it.

Councilman Jemiolo stated that all the Orchard Park unions have filed grievances in attempt to block the Town Board from implementing this new rating schedule. Councilman Jemiolo feels the grievances will be found groundless and the changes in the Heath Insurance Ratings will take place. He would like the unions to revisit this situation and withdraw their grievances as the Experience rated program is beneficial to everyone and reduces the medical benefits costs considerably.

Councilman Dietrick attended an event at the West Seneca Rotary Club Golf Course being built on Transit Road. The West Seneca Rotary Foundation has partnered with the nationally recognized "First Tee" program, a nationwide junior golf program whose mission it is to impact the lives of young people. He learned this course was designed by a nationally know golf architect, which consists of 7,000 yards championship course. The project manager, Fred Zilner, stated that they hope to be playing golf on this course by the fall.

Highway Superintendent, Fred Piasecki, reviewed the Nieman Road/North Lane project and stated that the Engineering Department is sending out bids for concrete gutters for these roads. He also discussed the quarterly fuel report and the cost of fuel.

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 approval of all entries on Warrant #13 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$51,833.90
Part Town Fund	\$703.93
Risk Retention Fund	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$44,932.49
Special Districts	\$14,198.00
Trust & Agency	\$4,297.22
Capital Fund	\$107,950.24

The resolution was unanimously adopted.

Receive & File Reports

18) 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: Councilman Dietrick on the Transit Rd. Golf Course, and Highway Superintendent Piasecki's Second Quarter Fuel Analysis Report.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Nicholas Taneff – 279 Summit Avenue: Mr. Taneff's concern is with "blight" in the Town. He has contacted several Building Inspectors in Erie County to see how they handle problems in their towns and handed his report to the Town Clerk. He stated that the Town has to get tougher with offenders, design and pass stricter laws, and work together within the Town, and with the other communities, to stop this "blight" before it gets carried away.

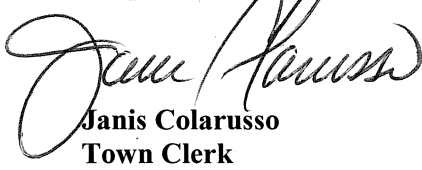
Robert Frantsists – 4270 California Road: Mr. Frantsists discussed drainage issues on his property.

John Marlow – 47 Brookins Green: Mr. Marlow stated that in review of the Draft Comprehensive Plan, he saw that the Town has spent hundreds of thousand dollar on walking paths in the Town, so why didn't they put sidewalks along Baker Road during is reconstruction, and on Freeman Rd. for the High School students? Councilwoman Ackerman stated that the Town, as a policy, does not put in sidewalks. As for Freeman Road, that is a State Highway, and the Town has no say in the matter. Although, the State did put in wider shoulders for the Town to accommodate the students walking.

Robert Kelly – 4582 California Road; Mr. Kelly had the following concerns; At Brush Mountain Park there was a bridge put in over a creek that had two small culverts put in. Mr. Kelly feels that this will cause problems eventually with debris accumulating, and the water will back up and flood his back yard; That the gate into Brush Mountain is never closed & locked and kids go in there at night; To make a turn at the light at Big Tree & California Road is very dangerous and he would like someone to look into that; Are guard rails going to be put up around the Fox Run project to protect people from sliding into the ravines there; The Town Board assured Mr. Kelly his issues would be looked into, and Town Engineer, Wayne Bieler stated that there are no plans to put guard rails by the Fox Run project.

There being no further business from the floor, on motion by Councilman Jemiolo, and seconded by Councilman Dietrick, to wit; the meeting was adjourned at 8:46 PM (local time).

Respectfully Submitted,



Janis Colarusso
Town Clerk