

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 16th day of July 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
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

ABSENT: Mark Dietrick Councilman

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."*

Old Business #1 Appointment of Clerk Typist Position to the Assessors Office (Tabled 7/2/08)

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

RESOLVED, that the Town Board does hereby appoint Mary Popielinski, resident of the Town of Orchard Park, to a fulltime Clerk Typist Position for the Town Assessors, at the CSEA White Collar Union Job Level 0003, Step A, for \$12.78 per hour, effective July 21, 2008, as recommended by the Town Assessor.

Councilwoman Ackerman stated that Mary has worked for the Recreation Department part-time for 21 years and she will be a wonderful asset to the Assessor's Office.

The resolution was unanimously adopted.

New Business #1 Building Insp. requesting Transfer of Monies to Purchase 2008 Ford Focus Sedan

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

WHEREAS, the 1999 Ford Explorer assigned to the Building Department did not pass the New York State safety inspection due to the need for extensive brake work and numerous other issues, and

WHEREAS, considering the expense to repair all of the necessary items to make this vehicle safe the Supervising Building Inspector has taken this vehicle out and service immediately, and

WHEREAS, the Supervising Building Inspector would like to purchase a new sedan car for the Building Department and then designate the Ford Explorer as surplus to be auctioned at a later date.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the purchase of one (1) New 2008 Ford Focus Sedan for the Building Department for a total not to exceed \$11,424.21, and be it further

RESOLVED, that the all necessary budget transfers are made within the Building Inspector's Budget in order to purchase the vehicle, as recommended by the Building Inspector.

The resolution was unanimously adopted.

New Business #2 Release of Escrow under PIP #2007-04, Windy Hill Farms II, Phase 2 Subdivision

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

WHEREAS, on January 2, 2008, the Town Board accepted dedication of the public improvement constructed under PIP #2007-04, Windy Hill Farms II, Phase 2 Subdivision, with the stipulations that funds paid by the developer be held in escrow until final grading and seeding in all areas of disturbance and restoration of the pond detention area were completed, and

WHEREAS, the developer has since completed the required final grading and seeding on Wildwood Lane and in all areas of disturbance, and completed the restoration of the pond detention area. The work was inspected by the Engineering Department and found to be in compliance with Town specifications.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Town Clerk to release to Thomas J. Johnson Construction, Inc., 6435 West Quaker Street, Orchard Park NY 14127, the \$6,000.00 and \$5,000.00 held in escrows, respectively, for final grading and seeding in all areas of disturbance and restoration of the pond detention area in the Windy Hill Farms II, Phase 2 Subdivision constructed under PIP #2007-04, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #3 Release of Escrow under PIP #2007-02, Birdsong Subdivision, Part 3A, Phase 4B

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

WHEREAS, on December 5, 2007 the Town Board accepted dedication of the public improvement constructed under PIP #2007-02, Birdsong Subdivision, Part 3A, Phase 4B, with the stipulations that funds paid by the developer be held in escrow until final grading and seeding in all areas of disturbance was completed, and

WHEREAS, the developer has since completed the required final grading and seeding on the continuation of Woodthrush Trail and in all areas of disturbance. The work was inspected by the Engineering Department and found to be in compliance with Town specifications.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Town Clerk to release to Dominic Piestrak Real Estate, Inc., 110 Coriander Court, East Amherst NY 14051, the \$5,000.00 held in escrows for final grading and seeding in all areas of disturbance in the Birdsong Subdivision, Part 3A, Phase 4B constructed under PIP #2007-02.

The resolution was unanimously adopted.

New Business #4 Advertise for a Principal Engineer for the Engineering Department

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

WHEREAS, at the May 8, 2008 Town Board Work Session, the Town Board approved the filling of the recently vacated Principal Engineer Assistant position. Due to the Engineering Department's work load, and the recent retirement of David Yates, the Town canvassed the existing Principal Engineer Assistant Civil Service list, which had three (3) candidates on the list. Two (2) candidates declined the position due to salary and one (1) did not respond, and

WHEREAS, the Town therefore has called for an open competitive exam, Erie County Department of Personnel is currently preparing an open competitive examination for the Principal Engineering Assistant, which possibly could be given with the Senior Engineer Asst. exam, and

WHEREAS, distinguishing features of the class includes: assisting civil/sanitary engineers by compiling data, making surveys and inspections and preparing drawings. The incumbent performs the most difficult, complex and responsible pre-professional engineering tasks. Work is performed under the general supervision of a civil/sanitary engineer. Supervision is exercised over a small number of personnel performing either field or office tasks.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize advertisements in the Orchard Park Bee and The Buffalo News for the position of a Principal Engineer Assistant for the Town of Orchard Park Engineering Department, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #5 Authorize the Building Inspector to Mow the Lawn at 6238 Lake Avenue

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

WHEREAS, the property at 6238 Lake Avenue, in the Town of Orchard Park, has been vacant for some time and has gone to foreclosure, and

WHEREAS, the grass had not been cut as of this year, and there is a large pine tree that is in danger of falling onto a neighbor's property, and

WHEREAS, the Building Inspector has been unsuccessful in locating the owner or a responsible person.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Building Inspector's Department to cut the grass (one time only) at the property located at 6238 Lake Avenue, in the Town of Orchard Park, due to the property being vacant for some time and it going into foreclosure, and be it further

RESOLVED, all cost will be applied to the tax rolls of the property, as recommended by the Building Inspector.

The resolution was unanimously adopted.

New Business #6 Schedule Public Hearing: Sampla Belting North America moving to Empire Zone

7) 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 Schedule a Public Hearing, Wednesday, August 6, 2008 at 7:00 PM, for the re-location of Sampla Belting North America LLC, located at 40 Centre Drive, in the Town of Orchard Park, to the City of Lackawanna Empire Zone, and be it further

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

The resolution was unanimously adopted.

New Business #7 Appointments to the 2008 Summer Staff to the Recreation Department

8) 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
Sandra Trampert	Town of Orchard Park	PT2-D	Att	\$9.50
Jon Zelasko	Town of Orchard Park	PT1-E	Att.	\$8.50

The resolution was unanimously adopted.

New Business #8 Request to Hold a Block Party/Forest Creek Subdivision

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

RESOLVED, that the Town Board does hereby approve the request from Denise Sorrentino, Forest Creek Subdivision, to hold a Block Party on August 9, 2008, from 4:00 P.M. through to 11:00 P.M., and be it further

RESOLVED, that the Highway Department is to give Ms. Sorrentino blockades so she can be blocked off the street just after the driveway of 115 Norwood Lane and 155 Stoughton.

The resolution was unanimously adopted.

New Business #9 Verizon Request to Hold a FIOS Event, Tuesday, July 22, 2008

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

RESOLVED, that the Town Board does hereby authorize Verizon to host a FIOS Event (one-time approval for this particular concept; a first for the Town) in the Stonehenge Development, on Winterhall Road, Tuesday, July 22, 2008, from 5:30 P.M. to 8:00 PM. This limited opportunity is being hosted in select neighborhoods in Western New York where Verizon has recently launched FIOS, and be it further

RESOLVED, the Town Board reserves the right to turn down further requests if the event generates complaints from residents or causes traffic problems.

The resolution was unanimously adopted.

New Business #10 Resolution to Authorize Changes to the Town's Capital Plan.

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

WHEREAS, the Town Board has reviewed its capital plan as of June 30, 2008, and

WHEREAS, the Town wishes to initiate certain projects and adjust the funding for certain projects to appropriately fund the Town's current capital needs.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the following:

- The closing of a capital project entitled "Hobby Lane Turnaround" (project H45); with the residual project balance of \$7,752.94 being transferred to the capital project entitled "Parks Equipment Acquisition" (project H46).
- The closing of a capital project entitled "Assessment Data Collection" (project H78), with the residual project balance of \$15,509.65 being transferred to the capital project entitled "Parks Equipment Acquisition" (project H46),
- The transfer of \$1,737.41 from account T72 Ecology to the capital project entitled "Parks Equipment Acquisition" (project H46).
- The opening of a capital project entitled "Wallace Drive Turnaround" (project H84), with authorized expenditures not to exceed \$20,000. The project will be funded by a transfer of \$20,000 from account T87 Public Improvement Permit Fees.
- The opening of a capital project entitled "Town Hall Fire Alarm" (project H85), with authorized expenditures not to exceed \$25,000. The project will be funded by a transfer of \$25,000 from account T87 Public Improvement Permit Fees.
- The opening of a capital project entitled "Brush Mountain Wetland Mitigation" (project H86), with authorized expenditures not to exceed \$100,000. The project will be funded by a transfer of \$100,000 from account T87 Public Improvement Permit Fees.

- The opening of a capital project entitled "Comprehensive Stormwater Hydrology & Hydraulics" (project H87), with authorized expenditures not to exceed \$3,000. The project will be funded by a transfer of \$3,000 from account T87 Public Improvement Permit Fees.
- The transfer of \$55,000 from account T37 Parkland Deposits to the capital project entitled "Chestnut Ridge Village Trail Improvements" (project H80).

The resolution was unanimously adopted.

New Business #11, 12 & 13 Refer to the Planning Board or Conservation Board or Public Safety

12) 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 refer the following items listed on the agenda to the Planning Board or Conservation Board or Public Safety Board:

- Fellowship Wesleyan Church, 1645 Southwestern Blvd, Zoned R-2. Applicant requests a Building Permit and Site Plan approval to erect a picnic shelter for church events.
- Quaker Crossing East Out-parcel, located near the entranceway along Amelia Drive, Zoned B-1. Applicant is proposing a 5,040 square foot restaurant.
- **Public Safety** – William Smith, 7503 East Quaker Road, in the Town of Orchard Park. Requesting to have two (2) "Tractor Crossing" signs to be placed on East Quaker Road, to prevent any accidents involving automobiles and equipment from his farm.

The resolution was unanimously adopted.

Business from the Floor

John Marlow – He stated that with the change in capital improvement projects for this year, he urged the Town Board to have a public vote to authorize an annual 100% fair market reassessment by the Town. (Statement submitted.)

Edward Flynn – He believes it is imperative that the residents of the Town of Orchard Park have a record of comments from the floor in the minutes of the Town Board meetings. He also has concerns with the seemingly haphazard way that commercial development is being handled by the Town Board. (Statement submitted.)

Jane Shumaker – She once again spoke about the town clerks action of not including residents' comments from the floor in the minutes.

Marsha Kochan – Her main concerns this evening were the environmental issues regarding Wal-Mart. She spoke about many issues the Town Board needs to consider. She also spoke about including more detailed comments from the floor in the minutes.

Sal Ceronne – He talked about the parking at Quaker Crossing, and he gave his comments about the intersection at Sterling Drive and Mid County Drive. He also believes even though there are Rules of Decorum, he would like some exchange with the Town Board at the meetings. He also talked about a town wide assessment, and he stated there should not be any tax breaks for corporations, such as the Wal-Mart and Target Stores.

Elected Officials & Department Heads

13) 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 following budget transfers within the Building Inspector's Department:

\$1,500.00	From: B.3620.0200	Computer Hardware
\$1,000.00	From: B.3620.0201	Computer Software
\$1,574.00	From: B.3620.0401	St. Fire Codes
\$ 400.00	From: B.3620.0419	Training
\$7,000.00	From: B.3620.0476	Contract Fire Inspection
	To: B.3620.0202	Safety Inspection Vehicle

AND BE IT FURTHER RESOLVED, that the Town Board does hereby authorize the following budget transfers within the Town Assessor's Department:

\$ 4,059.02	From: 1355.0139	Assessment Part-time Clerk
\$25,000.00	From: 1355.0403	Assessment Contract Consultant
	To: 1355.0137	Assessment Clerical Person

The resolution was unanimously adopted.

Councilwoman Ackerman announced Erie County Legislator John Mills will be hosting a hot dog cookout on July 26, 2008 at the Orchard Park Library from 4:30 PM to 8:00 PM with the proceeds to be donated to the Library.

Councilman Graber announced the Orchard Park Village sponsored Annual Ice Cream Social will be held on Friday evening, July 25, 2008 and the Street Dance on Saturday, July 26, 2008. The Orchard Park Lions Club Car Show also will be held on Saturday, July 26, 2008.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute a grant application through New York State Department of Environmental Conservation for a Historic Preservation Survey, \$12,500, to locate historic buildings in the Town of Orchard Park.

The resolution was unanimously adopted.

Councilman Kaczor stated that the Orchard Park Historical Preservation Board would be creating a group, "Friends of Orchard Park Historic Preservation" to educate and communicate with the public. The Town has been involved with Historical sites and Councilman Kaczor explained the difference between restoration and preservation in regard to the historic significance.

Police Chief Benz announced the Annual Police Open House will be held on Tuesday, August 5, 2008.

Highway Superintendent Piasecki gave a report on the highway work on Angle Road and Milestrip Road. He also reminded everyone that the Freeman Road Bridge will be closed due to bridge repairs and to watch for the detours.

15) 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 #14 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$95,701.84
Part Town Fund	\$1,541.07
Risk Retention	0.00
Cemetery Fund	0.00
Highway Fund	\$44,349.19
Special Districts	\$127,488.22
Trust & Agency	\$798.96
Capital Fund	\$90,300.60

The resolution was unanimously adopted.

Communications & Reports

16) 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 receive and file the following Communications & Reports listed on the agenda:

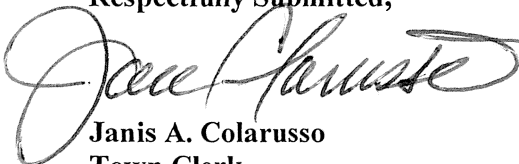
- Erie County Department of Public Works: Certificate and Notice of Bridge Closure for the replacement of the bridge over Smokes Creek and Freeman Pond Dam from July 7, 2008 through December 31, 2008, or until completed.
- New York State Department of Environmental Conservation: Comments regarding "The Pines at Murphy Road Senior Living Community, in the Town of Orchard Park.
- Building Inspector's 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 Councilman Graber, to wit, the meeting was adjourned at 7:39 PM (local time).

Councilman Kaczor stated this evening Elmer Plotz, Writer for the Buffalo Evening News, covered his last Orchard Park Town Board meeting this evening. He was congratulated on his new profession as a Professor at Fredonia State College.

Respectfully Submitted,



Janis A. Colarusso
Town Clerk