

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 July 2007 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
	David Kaczor	Councilman
	Nancy Ackerman	Councilwoman
	Deborah Yeomans	Councilwoman
	Janis Colarusso	Town Clerk
	Leonard Berkowitz	Town Attorney
	Andrew Geist	Building Inspector
	Joseph Buccelli	Police Lieutenant
	Frederick Piasecki, Jr.	Highway Superintendent
	Wayne Bieler	Town Engineer
ABSENT:	Mark Dietrick	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."*

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

RESOLVED, that the minutes of the Meeting of the Town Board held on June 20, 2007 and the Executive Session Minutes for June 18th and June 27th, 2007, 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 Proposed Perpetual Conservation Easement for Mr. & Mrs. George Preschoff, 5721 Seufert Road, for five (5) acres of vacant land, Zoned Agricultural.

In addition, the Town Assessor is to determine the valuation of the property, taking into account the limitation on the future use of the land, imposed by such Conservation Easement.

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 of the Town of Orchard Park.

Supervisor Travers Murphy asked if there was anyone in the audience who would like to speak for or against the application for the Conservation Easement.

Proponents and/or Opponents: No one spoke.

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

RESOLVED, that the Public Hearing in the matter of the Proposed Perpetual Conservation Easement for Mr. & Mrs. George Preshoff, 5721 Seufert Road, for five (5) acres of vacant land, zoned agricultural, is hereby closed at 7:04 PM (local time).

The resolution was unanimously adopted.

3) 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 accept the following Perpetual Conservation Easement for Mr. & Mrs. George Preshoff, 5721 Seufert Road, for five (5) acres of vacant land, zoned agricultural, as recommended by the Conservation Board, and be it further

RESOLVED, that the Town Assessor is to determine the valuation of the property, taking into account the limitation on the future use of the land imposed by such Conservation Easement.

The resolution was unanimously adopted.

PUBLIC HEARING

Amendment to Subdivision Regulations, Article XII, Section 121-71

At 7:05 PM (local time) the Supervisor called for the Public Hearing for the Town of Orchard Park to hear all interested parties for or against the Amendment to the Zoning Ordinance, Subdivision Regulations, Article XII, Section 121-71, of the Town of Orchard Park.

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 of the Town of Orchard Park.

The Supervisor asked if there was anyone in the audience that would like to speak for or against the amendment to Subdivision Regulations, Article XII, Section 121-71.

Proponents and/or Opponents: No one spoke.

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

RESOLVED, that the Town Board of the Town of Orchard Park does hereby move to close the Public Hearing in the matter of the Amendment to the Zoning Ordinance of the Town of Orchard Park, Subdivision Regulations, Article XII, Section 121-71, at 7:09 PM.

The resolution was unanimously adopted.

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

WHEREAS, following due and timely notice, a Public Hearing was held in the Matter of a Proposed Amendment to the Zoning Ordinance of the Town of Orchard Park which amendment provides as follows: Subdivision Regulations, Article XII, Section 121-71.

NOW, THEREFORE, be it

RESOLVED, that the Town Board is hereby authorized to adopt Local Law #5 for the Year 2007; Subdivision Regulations, Article XII, Section 121-71, which reads as follows:

Article XII, Section 121-71; The Planning Board shall require the applicant to create a drainage district to service the proposed subdivision.

The question of the adoption of the foregoing resolution was duly put to a roll call vote:

Supervisor Travers Murphy	Aye
Councilwoman Ackerman	Aye
Councilman Kaczor	Aye
Councilman Dietrick	Absent
Councilwoman Yeomans	Aye

The resolution was duly adopted.

PUBLIC HEARING

Orchard Park Drainage District OPDD #3-3 for the Hills Subdivision

At 7:10 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 New Town Drainage District OPDD 3-3 for the Hills Subdivision.

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 of the Town of Orchard Park.

Supervisor Travers Murphy asked if there was anyone in the audience who would like to speak for or against the Proposed Drainage District OPDD #3-3 for the Hills Subdivision.

Proponents and/or Opponents: No one spoke.

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

RESOLVED, that the Public Hearing in the matter of the Establishment & Creation of the New Town Drainage District OPDD 3-3 for the Hills Subdivision, is hereby closed at 7:15 P.M. (local time).

The resolution was unanimously adopted.

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

WHEREAS, a map, plan and report relating to the establishment of Creation to the Town Drainage District No. 3-3, prepared by Wm. Schutt & Associates, P.C., competent engineers duly licensed by the State of New York, in the 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 requirement of Article 12 of the Town Law, and

WHEREAS, an Order was duly adopted by this Town Board on the 20th day of June 2007, 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 were on file in the Town clerks Office for public inspection, and stating all other matters required by law to be state, and specifying June 18, 2007, as the date, at 7:00 PM of said day as the time, at the Town of Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park, New York 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 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 18, 2007 at 7:00 PM in the afternoon of said day, in the Municipal Center, S4295 South Buffalo Street, Orchard Park, New York, and no person appearing in opposition to and the petitioners appearing in favor of the petition, and

WHEREAS, pursuant to said petition, it is the intention of the petitioners, as sole owners of all the taxable property in said drainage district, to construct said drainage infrastructure solely at it own expense, now after due deliberations, it is

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, a duly executed Short Environmental Assessment Form has been filed in the office of the Town Clerk, and

WHEREAS, the Town Board has given due consideration to the impact that the establishment of the new Town Drainage District OPDD 3-3 may have on the environment and, on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused by the establishment of such new Town Drainage District OPDD 3-3.

RESOLVED AND DETERMINED:

- That the notice of hearing was published and posted as required by law, and is otherwise sufficient
- That all property and property owners within the proposed district are benefited thereby
- That all property and property owners benefited are included within the limits of the proposed district
- That it is in the public interest to establish said district, and be it further

RESOLVED, that the establishment of the proposed district as set forth in said map, plan and report be approved, and that the improvements therein mentioned be constructed by the petitioner, and the expense of the establishment and maintenance of the Drainage District shall be paid by the assessment, levy and collection of property taxes upon the several lots and parcels of land within the proposed Town Drainage District 3-3, in the same manner and at the same time as other Town charges, and such district shall be known and designated as "Town of Orchard Park Drainage District No. 3-3" and shall be bounded and described as set forth:

ALL THAT TRACT AND PARCE OF LAND situated in the Town of Orchard Park, County of Erie, State of New York being part of Lot 13, Township 9, Range 7 of the Holland Land Survey so called bounded and described as follows:

BEGINNING at a point on the easterly highway boundary of Arrowood Lane (60.0 feet wide), said point being 41.68 feet southerly from the southwest corner of Sublot 164 as shown on a map filed in the Erie County Clerk's Office under map Cover number 3284, as measured along the easterly highway boundary of Arrowood Lane; thence South 89°54'08" East, a distance of 72.00 feet to a point of curvature; thence easterly along a curve to the left having a radius of 220.00 feet, a distance of 76.33 feet to the point of tangency; thence North 70°13'08" East, a distance of 30.02 feet; thence north 00°05'52" East, a distance of 666.19 feet; thence North 89°45'59" East, a distance of 695.00 feet; thence South 00°14'01" East, a distance of 794.61 feet; thence South 89°48'50" West, a distance of 699.59 feet; thence North 00°05'52" East a distance of 64.05 feet; thence South 70°13'08" West, a distance of 8.32 feet to a point of curvature; thence westerly along a curve to the right having a radius of 280.00 feet, a distance of 97.15 feet to the point of tangency; thence north 89°54'08" West, a distance of 72.00 feet to a point on the easterly highway boundary of Arrowood Lane aforementioned; thence North 00°05'52" East along the easterly highway boundary of Arrowood Lane aforementioned, a distance of 60.00 feet to the PLACE OR POINT OF BEGINNING.

NOW, THEREFORE, be it

RESOLVED AND DETERMINED: That the drainage infrastructure for said district is to be constructed by the owners of the premises, wholly at their own expense, and they have offered to convey the same without cost to the Town of Orchard Park free and clear of encumbrances, except right to access to said improvement by adjoining landowners, that the cost of connecting the same with the Town of Orchard Park drainage system shall be borne by the owners of properties benefited thereby, and be it further

RESOLVED AND DETERMINED: that the Town Clerk be and hereby is authorized and directed to file a certificate 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 ten (10) days after the adoption of this resolution, pursuant to Section 195 of the Town Law.

Supervisor Travers Murphy	Aye
Councilwoman Ackerman	Aye
Councilman Kaczor	Aye
Councilman Dietrick	Absent
Councilwoman Yeomans	Aye

The resolution was duly adopted.

Old Business #1 Award Contract/Various Town Roads Installation of Concrete Gutters/Driveways

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

WHEREAS, bids were opened for the Concrete Gutter Installation Project for various Town Roads on July 12, 2007, and

WHEREAS, the project was bided on a unit price basis for the associated concrete work items. The Engineering Department has reviewed those itemized prices of the five contractors who submitted bids. The lowest bid of \$69,865.00 was below the engineer's estimate of \$80,650.00 for the project, and

WHEREAS, the low bidder for this project was E.J. Militello. The company has been in business since 1996 and has successfully completed various concrete projects in the past. This Company has been found to have the qualifications and experience to perform this work adequately, the Town Engineer has no reservation about their capabilities, and

WHEREAS, there is presently \$541,401.08 plus interest allocated under Capital Project #H-74, Pilger, Fay, Glen and Oakwood Reconstruction for this project work per capital project meetings.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby award the contract for the Concrete Gutter Installation Project for various Town Roads to the lowest responsible bidder, E.J. Militello Concrete, Inc., P.O. Box 770, East Amherst, New York 14051, in the amount of \$69,865.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business #2 Tabled: Fox Run of Orchard Park, corner of Big Tree Road (Rt. 20A) and California Road. The Planning Board, 7/11/07, recommends the Town Board accept the revised Site Plan based on conditions and stipulations that have been made.

Councilwoman Ackerman stated that Fox Run's insurers had a problem with a walkway that was part of the proposed plan. The insurance company would not insure the residents against West Nile Virus if the proposed trail was established. Therefore, Fox Run decided that the trail would not be put in. Fox Run stated that they would take the monies that were scheduled for the construction of the trail and give it to the Town to use for recreation or environmental issues. The last area to be finalized is the amount of the contribution to the Town. The area on the site plan that was slated for the trails will remain forever green.

New Business #1 Authorize NYSEG to Connect Light Fixtures in Birdsong Subdivision

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

WHEREAS, the Town Engineer's Department has received a proposal from NYSEG for the connection of decorative street light fixtures on Mallard Lane, Woodthrush Trail, and Sandpiper Court in the Birdsong Subdivision, Part 3A, Phases 3 and 4A. At present, there are ten (10) single family homes either occupied or under construction of the 25 sublots, and

WHEREAS, the 70-watt H.P.S. luminaries, which are owned by the Town, are placed on top of posts with the installation of decorative street lights under PIP # 2005-03. NYSEG will only supply electric, maintain the bulbs, and the electric eye of the luminaries. The proposal is for a total of eight (8) luminaries to be connected at an annual charge of \$23.87 each; totaling annually \$190.96.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize NYSEG to connect a total of eight (8) 70-watt high-pressure sodium decorative light fixtures on Mallard Lane, Woodthrush Trail, and Sandpiper Court in the Birdsong Subdivision, Part 3A, Phases 3 and 4A at an annual increased cost of \$190.96 to the Consolidated Light District in accordance with the attached NYSEG proposal dated July 17, 2007, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #2 Authorize a Block Party for Residents of Forest Creek Subdivision

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

RESOLVED, that the Town Board does hereby authorize the residents of Forest Creek Subdivision, which includes Norwood Lane and Stoughton, to hold a Block Party, Saturday, August 18, 2007, from 5:00 PM to 11:00 PM, and authorize the Highway Superintendent to drop off barricades to block the traffic.

The resolution was unanimously adopted.

New Business #3 Authorize the OP Justice Court to Apply for NYS Justice Court Assist. Program

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

RESOLVED, that the Town Board does hereby authorize the Orchard Park Justice Court Department to apply for the 2007 New York State Justice Court Assistance Program, request not to exceed \$20,000, as recommended by the Town Justices.

The resolution was unanimously adopted.

New Business #4 Appointments – 2007 Spring/Summer Staff for the OP Recreation Department

12) 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 following 2007 Spring/Summer 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
Darcy Zappia	Town of Orchard Park	PT3-A	Aide	\$10.00
Tiffany Ebner	Town of Penfield	PT1-C	Lg.	\$8.00

The resolution was unanimously adopted.

New Business #5 Refer to the Planning Board and/or Conservation Board

13) 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 to the Planning Board and/or Conservation Board the following item listed on the agenda: Steven Schneckenberger, 2861 Southwestern Boulevard, request for a Building Permit for a cold storage building at the rear of the property and for permission to reconstruct a nonconforming business center with attached house that was damaged by fire to more than 50% of its value. The Town Code allows this reconstruction with Planning Board and Town Board approval.

The resolution was unanimously adopted.

Elected Officials & Department Heads

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

RESOLVED, that the Town Board does hereby approve the following 2007 Budget Transfer(s) as requested by:

Town Assessor:

\$32,000

From: A.1355.0111

Real Property Appraiser

To: A.1355.0403

Contract Consultant

Supervisor

\$2,400

From: 800.9065.0814

Composting – Flex Plan

To: 800.9065.0817

Composting – Insurance Waiver

The resolution was unanimously adopted.

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

WHEREAS, the Town owns the Orchard Park Library Building and is responsible for capital improvements to such facility, and

WHEREAS, the Town Board wishes to provide funding for the necessary repairs and improvements to the Library Building, and

WHEREAS, the funding for such improvements is available in other capital project funds.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the establishment of a new capital project entitled "Library Renovations" (project H81) with authorized project appropriations of \$100,000, and be it further

RESOLVED, that the Town Board does hereby authorizes the transfer of \$1000,000 from the Summit/Lake Avenue Drainage Capital Project (Project H10) to the Library Renovation Project (Project H81).

The resolution was unanimously adopted.

Councilwoman Ackerman stated tonight she is presenting her updates to the revised comprehensive plan. She thanked the many individuals who contributed their thoughts and ideas to this project and outlined her reasons how she handled the updates. She stated the Town Board will review this document, and then have another Public Hearing so it will be available to the Public for further review. One of her suggestions in the update is that there should be some mechanism established within the Plan for implementation. There were two suggestions and she feels that both can be accommodated. The first is to establish a committee made up of the Town Board and appointees of the Town Board to review the document after it is approved, and start talking about prioritizing & implementation techniques. The second suggestion was a Zoning Commission be established, which would be a standing commission, which would be empowered to do various jobs. It was established that the Town Board would review this document at the August 8th work session.

Councilwoman Yeomans reported that she has made progress in developing a procedure by which appointments are made to the Towns Boards & Committees. To date, there has been no established process or criteria in place to fairly and responsibly make appointments to these important positions. She gave an outline to the Town Board members tonight, and it will be addressed at the next work session. She feels that resumes should be reviewed, interviews of the candidates should take place, individual appointments made, and there should be input from the committees as to what they are looking for in their members.

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

WHEREAS, Margaret & Charles Ballbach petitioned for and received a Conservation Easement on their property, and

WHEREAS, they now would like to be relieved of a portion of the Conservation Easement in order to build a house on that portion of the property.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute the documents necessary to release a portion of the easement on the Ballbach's property, and be it further

RESOLVED, that the penalty for the release of a portion of the Conservation Easement, as established by the Town Assessor, is \$845.00.

The resolution was unanimously adopted.

Highway Superintendent Fred Piasecki stated that the Highway Department is making progress on the Pilger, Glen & Fay roadway reconstruction. He said that with the signed contract from Solar Tech, that work to place solar panels on the Highway buildings will be taking place soon.

Police Lieutenant Joseph Buccilli stated that with the summer months, the police are stepping up their traffic enforcement along with seat belt enforcements, made available by two state grants. He asked that the residents be a little more attentive to securing their vehicles and homes during the summer months as there is an increase in youth activity.

16) 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 #13 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$66,208.01
Part Town Fund	\$228.60
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$145.00
Special Districts	\$128,800.00
Trust & Agency	\$17,384.56
Capital Fund	\$29,847.94

AND BE IT FURTHER

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	\$90241.54
Part Town Fund	\$13,078.70
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$139,361.28
Special Districts	\$20,440.44
Trust & Agency	\$1,113.00
Capital Fund	\$17,408.20

The resolution was unanimously adopted.

Receive & File Communications & Reports

17) 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 receive and file the following Communications:

- **State of New York Department of Public Service:** Information about summer electricity and ways to use electricity wisely. For more information you can stop in the Town Clerk's office, some useful tips are as follows: Use fans more and air conditioners less will help in electricity bills; Switch to CFL bulbs, which last 10 times longer and use 75% less electricity; Choose energy-efficient ENERGY STAR products; Use a programmable thermostat on your air conditioner and a timer on your pool filter.
- **New York State Department of Transportation:** A portion of US Rt. 20, beginning one mile west of its intersection with US Rt. 62, and ending one mile east of its intersection with NY Routes 240 and 277, is being designated as restricted highway. Designation shall expire on December 31, 2009.
- **Village of Orchard Park:** Will be holding a Public Hearing, July 18, 2007 at 7:00 PM, at the Municipal Center, on the following appeal: Timothy & Brenda Levindofske, 130 North Lake Drive, requesting to build a 6 foot high fence in a side yard. Code stipulates that the maximum height of a fence in a side yard is 3 feet in an R-3 Zone.
- **Town of West Seneca:** Certified resolution from the Town Board stating their request from the New York State United States Senator's and Congressman Higgins to assist in the efforts of American Legion Post 735, in their attempt to provide for the safety of the Marines and all soldiers by allowing them to wear the Spartan II assault vest.
- **Town of West Seneca:** A Public Hearing has been scheduled on the request for a rezoning & special permit for property located at Camelot Square Subdivision, being part of Lot Nos. 380, 381, 386 and 387, changing its classification from R-75 to R-50(S), for a patio home development with 50 feet frontage lots. The public hearing will be held on Monday, July 16, 2007 @ 7:30 at West Seneca Town Hall, 1250 Union Road.
- **Town of West Seneca:** A letter from Eugene Piotrowski for rezoning to construct patio homes in the Camelot Square Subdivision has been withdrawn. Mr. Piotrowski stated he understands the concerns of the residents as expressed at the Planning Board meeting. He also stated he will instead look to develop his property in its R-75 zoning.

The resolution was unanimously adopted.

18) 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 receive and file the following Reports: Chief of Police's Monthly Report for June 2007, and the Building Inspector's Monthly Report and Building Permits for June 2007.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Carol Trala – Ms. Trala requested that the Town Board review the Town Zoning Code 144.31A which discusses noxious fumes etc. She feels that this pertains to the Fisher Bus proposed project.

Don Quinlan – Mr. Quinlan is with the Government Efficiency Task Group, formed by individuals to find ways to streamline government and save money. The Task Group is a mix of Village & Town residents, political parties, there are no politics in this group, and the group has a vast pool of experience to draw from. The objectives of this Task Group are: 1) provide a consolidated report on where we are today, both organizationally and financially; 2) identify areas of concern and opportunity for improvement or change; and 3) provide a map on how to get from today to tomorrow with a minimum of disruption. This group will provide a report, be available to assist in any way and are open to all suggestions. Once the report is completed, the decision on what to do with it will rest with the citizens of Orchard Park.

Christine Weyer – Ms. Weyer expressed her dissatisfaction with the current brush pickup contract.

John D'Amico – Mr. D'Amico stated he feels the Town Board made a mistake with one of their appointments they made this evening.

Bob Weakland – Mr. Weakland stated he feels the Town Board's appointments were not appropriate.

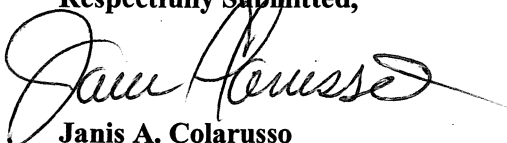
John Sawicz – Mr. Sawicz stated that he feels the "no cell phone use while driving" law should be better enforced in the Town of Orchard Park.

Bob Frantsits – Mr. Frantsits thinks that issues like "Wal-Mart" should be put up for a vote so the people of the Town can decide if they want it. He also asked when the landscaping for the building on the corner of Big Tree Road and California Road would be completed.

Henry Dinder – Mr. Dinder talked about Conservation Easements. He believes they are not beneficial to the residents. He also believes older people can get lost in these easements if they go for a walk. They should have a device to wear so they can be found.

There being no further business from the floor, on motion by Councilman Kaczor, seconded by Councilwoman Ackerman, to wit: the meeting was adjourned at 8:22 PM (local time).

Respectfully Submitted,



Janis A. Colarusso
Town Clerk

