

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 19th 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
	David R. Kaczor	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:	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."*

Old Business #1 Quaker Crossing South, Requesting a Special Exception Use Permit

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

WHEREAS, an application has been filed by APD Engineering, PLLC ("APD") on behalf of Sam's Real Estate Business Trust ("Sam's") for the construction of a 134,723 ± square foot Sam's Club Store with fueling station facility, Tire Mounting Area ("TMA") and car wash to be located on a 19.9 acre lot located on Milestrip Road in the Town of Orchard Park, Erie County, New York ("Proposed Project") and

WHEREAS, the Proposed Project is a "Type I Action" under the State Quality Environmental Review Act (SEQRA) and

WHEREAS, the Proposed Project is shown on the site plan submitted by APD on April 19, 2006, and

WHEREAS, the Proposed Project includes site plan, special use permit approval for the gas station facility, TMA and car wash and variances from the Town of Orchard Park Zoning Code to allow construction of the Proposed Project, and

WHEREAS, the Proposed Project includes the development of the associated utilities, drives, parking areas, landscaping, stormwater management and off-site improvements, and

WHEREAS, the Proposed Project is located in the B-1 Commercial Business district in the Town of Orchard Park, New York, and

WHEREAS, on April 19, 2006, APD submitted application for site plan approval and a special use permit, as well as a Long Form Environmental Assessment Form ("EAF") pursuant to SEQRA, and

WHEREAS, the April 19, 2006 application and EAF submitted to the Town Board included the following information:

- Site Development Plans, including Erosion Control, Site, Grading and Drainage and Utilities
- Lighting Plan
- Landscape Plan
- Landscape Value Estimates
- Sam's Club Building Elevations
- Sam's Club Floor Plan and Plumbing
- Floor Plan and Plumbing
- Sign Package
- Sam's Fueling Station Building Elevations
- Survey Plan
- Traffic Report
- Stormwater Management Plan
- Lighting Fixture Cut Sheets

WHEREAS, the Town Board of the Town of Orchard Park ("Town Board") on April 19, 2006, indicated its intention to act as SEQRA Lead Agency relative to the review of the Proposed Project and so advised other "Involved Agencies" in order to comply with the requirements of the Town of Orchard Park Zoning Code and the New York State Environmental Conservation Law. No other Involved Agency has objected to this Board acting as SEQRA Lead Agency, and

WHEREAS, on June 7, 2006, the Town Board adopted a resolution establishing itself as SEQRA Lead Agency for the Proposed Project, and

WHEREAS, on May 17, 2006, APD submitted application for two area variances to the Zoning Board of Appeals, and

WHEREAS, the Town of Orchard Park Conservation Board (the "Conservation Board") has discussed the project at meetings held on May 2, 2006, and June 6, 2006, and

WHEREAS, on June 6, 2006, the Conservation Board further reviewed the site plan application and EAF for the Proposed Project and considered the factors listed in the Town of Orchard Park Zoning Code §144-44(C) (1)-(4) and issued a positive recommendation on the site plan application to the Town Board contingent upon the applicant submitting a revised landscape plan, and

WHEREAS, the Town of Orchard Park Planning Board (the "Planning Board") has discussed the Proposed Project at a meeting held on May 10, 2006, and

WHEREAS, on July 5, 2006, the Town Board held a public hearing on the special use permit for the fueling station facility, TMA and car wash and there was no adverse public reaction the Proposed Project, and

WHEREAS, the Erie County Planning Board reviewed the site plan application and EAF for the Proposed Project in accordance with the Town Law §239-m and determined that the Proposed Project was one of local significance and did not issue a recommendation, and

WHEREAS, the Erie County Planning Board also reviewed the project variance application (within the jurisdiction of the Town of Orchard Park Zoning Board of Appeals) in accordance with Town Law §239-m and determined that the Proposed Project was one of local significance and did not issue a recommendation, and

WHEREAS, the Town Board has enlisted the help of the Town of Orchard Park Engineering Department to assist in the evaluation of the Proposed Project and its potential impact, and

WHEREAS, this Board has carefully reviewed the site plan and special use application and supporting documentation provided to the Town, and

WHEREAS, on July 19, 2006, this Board completed Part 2 of the EAF, and

WHEREAS, on July 19, 2006, this Board discussed Part 3 of the EAF, and

WHEREAS, the applicant has made revisions and enhancements to its original site plan to address concerns of this Board, Town staff, other involved agencies or the public, and

WHEREAS, this Board has carefully considered the criteria for determining significance as set forth in SEQRA Regulations 6 NYCRR §617.7(3)

NOW, THEREFORE, be it

RESOLVED, that this Town Board as SEQRA Lead Agency, has completed Parts 2 and 3 of the EAF, and that this Board hereby authorizes the Town Board Supervisor to sign the Determination of Significance/SEQRA Negative Declaration in the form presented at this meeting, and be it further

RESOLVED, that the applicant is directed to circulate the Negative Declaration as required by SEQRA Regulations 6 NYCRR §617, and be it further

RESOLVED, that this Town Board, as SEQRA Lead Agency, hereby determines that the Proposed Project will not have a significant adverse environmental impact on the environment for the reasons set forth in the Negative Declaration attached to and made a part of this Resolution and adopted on this date, July 19, 2006, and that this Board hereby issues a special use permit for the fueling service station, TMA and car wash.

The resolution was unanimously adopted.

Old Business #2 Quaker Crossing East, Amend Resolution for a Building Permit for a Retail Plaza

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 Quaker Crossing East, Vacant Land bounded by Milestrip Road, North Benzing Road, Amelia Drive and Amanda Lane, Zoned B-1, a Building Permit to construct a 162,191 +/- sq. ft. retail plaza (Ashley Furniture and five buildings), as recommended by the Planning Board, 7/12/06, and to approve the site plan received 11/7/05, based on the following conditions and stipulations amending the previous Resolution from the Town Board minutes of 9/07/05:

- A Positive Declaration was issued by the Town Board and Findings to Approve were issued by the Town Board on 9/7/05.
- The site lighting is limited to those fixtures and poles indicated on the approved site lighting. Light fixtures shall have flat lends and zero cut-offs. Building lighting will be subject to submission to the Planning Board approval as tenants are identified.
- 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.
- General plaza litter control shall be in accordance with previous agreement for Quaker Crossing.
- A Landscape Completion Bond in accordance with Conservation Board minutes for the overall parking, service road, buffer and the Ashley Furniture store shall be provided for the approved landscape plan which contains 19.5% green space prior to the receipt of a Building Permit. Landscaping for the remaining two out parcels, Building "B" along Amanda and the buildings north of Ashley Furniture shall be submitted for review and approval by the Town Conservation Board, Town Board and Planning Board approval.
- The completion of the NYSEG & NYMO encroachment agreement shall be finalized prior to a certificate of occupancy is issued to the first tenant of this plaza.
- Recommendation is contingent upon receiving Town Engineer approval. The Engineering Department is awaiting receipt of operation and easement agreements that must be reviewed and approved by the Town Attorney.

The resolution was unanimously adopted.

Old Business #3 Greater Buffalo Savings Bank, 6520 Webster Road, Requesting a Building Permit

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 authorize Greater Buffalo Savings Bank, 6520 Webster Road a Building Permit to construct a 2,942 +/- sq. ft. building for a retail bank, as recommended by the Planning Board, 7/12/06, and approve the site plan received, 5/30/06, with 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.
- Town Engineering Approval was granted on 6/14/06.
- A two year landscape completion bond in accordance with the Conservation board minutes shall be provided for the approved landscape plan, which includes 41.5% green space, prior to the receipt of a Building Permit in the amount of \$28,030 or a certified check in the amount of \$14,015.
- Precautions shall be taken during the construction to make sure that no damage occurs to the beautiful maple tree at the front of the lot and including a construction fence along the drip line.
- The metal coping shall be increased from 4" to 6" at the top of the building.
- The elevations and architecture shall be as described and presented to the Board in the 7/12/06 packet received (at this meeting) signed by Mrs. Biryła and Mr. Mulka.

The resolution was unanimously adopted.

Old Business #4 West Seneca Rotary Foundation (Golf Course), Southwestern Boulevard

4) 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 approve the irrigation pump house building for the West Seneca Rotary Foundation (Golf Course) located on Southwestern Boulevard, as recommended by the Planning Board, 7/12/06, based on the following conditions and stipulations:

- This is an Unlisted SEQR Action, which was determined on 7/19/00, by the Orchard Park Town Board, based on the submitted Full EAF Parts 1 and 2, and a Negative Declaration was made.
- This excludes any permits for any other building(s) (barns, club house, etc).
- The excavation permit be re-approved according to existing town code requirements.
- Over all landscape coordination of the golf course will be reviewed the Conservation Board, and
- Town Engineering Approval was granted on 7/10/06.

The resolution was unanimously adopted.

Old Business #5 (Not on Agenda) Quaker Crossing East & West Water Sanitary Sewer

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

WHEREAS, an application for a Public Improvement Permit to construct the Quaker Crossing East and West Water Sanitary Sewer Installation Projects was received from Gerald Buchheit, Quaker Crossing LLC, 3275 Benzing Road, Orchard Park, New York, and

WHEREAS, the project consists of the installation of 1,325 linear feet of public sanitary sewer mainlines and 955 linear feet of public water mainline to serve Quaker Crossing East and West commercial plazas, and

WHEREAS, the plans and specifications have been reviewed for the proposed project and are in compliance with current Town specifications and the Town is in receipt of all necessary fees, bonds and insurances

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the approval of Public Improvement Permit #2006-002 for the Quaker Crossing East and West Water Sanitary Sewer Installation Project, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #1 Authorize a Part-time Employee for the Town Justice Office

6) 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 appointment for a Part-time Employee for the Town Justice Office, Ian Szalinski, 7575 Ellicott Road, in the Town of West Falls, retroactive to July 10, 2006 through to the end of the summer. Working hours will be determined by the Town Justices, but will not exceed 19.5 per week. The expenditures for this temporary position will be charged to "Central Service – Central Clerical Pool" Account A.1670.139.

The resolution was unanimously adopted.

New Business #2 Send Letter NYSDOT for Traffic Study on Rt. 20A/East Quaker Street

7) 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 Supervisor to send a letter to the New York State Department of Transportation requesting a traffic study on Route 20A between Transit Road and the Village of Orchard Park to reduce the speed limit due to several new residential developments adjacent to Route 20A.

The resolution was unanimously adopted.

New Business #3 Supervisor to send out Proposals for Claim Administration Service for OP

8) 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 authorize the Supervisor to send out Proposals for Claims Administration Service for the Town of Orchard Park in connection with the Self-Insurance Program. The selection program will be effective September 1, 2006 and all proposals must be received in the Supervisor's office no later than August 4, 2006.

The resolution was unanimously adopted.

New Business #4 Town Assessor Attending the NYSAA Fall Conference

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

RESOLVED, that the Town Board does hereby authorize the request of Milton Bradshaw, Town Assessor, to attend the NYSAA Fall Conference in Lake Placid, New York from 9/17/06 to 9/20/06. The estimated cost is \$1,100 and Mr. Bradshaw will seek reimbursement from the State of New York.

The resolution was unanimously adopted.

New Business #5 Public Safety Comm. Request to Erect "No Parking" Signs on Rock Dove Lane

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

WHEREAS, upon the recommendation of the Public Safety Committee, and pursuant to the authority granted by Section 1660 of the Vehicle and Traffic Law of the State of New York

NOW, THEREFORE, it is hereby

ORDERED, that two-(2) "**No Parking**" signs be posted in the bus turn around on Rock Dove Lane, and it is further

ORDERED, that the Town Attorney is hereby directed to draw this order in its proper form and the Superintendent of Highways is directed to post the proper and necessary signs at said locations.

The resolution was unanimously adopted.

New Business #6 Supervisor to send Letter to NYSDOT for Survey @ Southwestern & Taylor Rd

11) 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 Supervisor to send a letter to the New York State Department of Transportation requesting a complete survey and investigation of the Taylor Road and Southwestern Boulevard intersection, as recommended by the Public Safety Committee.

The resolution was unanimously adopted.

New Business #7 Appoint Additional Summer Staff to the Sewer & Lighting Department

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

WHEREAS, funds have been allocated in the 2006 budget for seasonal help in the Sewer and Lighting Department and an application was received from Geoff Lehman who will be attending the University of Buffalo in the fall

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the appointment of Geoff Lehman, 5162 Ellicott Road, Orchard Park, NY 14127 to a seasonal position in the Sewer and Lighting Department for an eight-week period retroactive July 10, 2006 at a wage rate of \$7.50/hour.

The resolution was unanimously adopted.

New Business #8 Authorize the Release of Escrow held under PIP #2005-01/Part 6 & 7, Phase 1

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

WHEREAS, on December 21, 2005 the Town Board accepted dedication of the public improvements constructed in the Chestnut Ridge Village Subdivision Part 6 and Part 7, Phase 1, with the stipulation that funds paid by the contractor be held in escrow until the following was completed:

- | | |
|---|-----------------|
| • Install two Asphalt Access Aprons to Storm Chambers | \$10,000 |
| • Install Twenty-Two Street Lighting, Poles and Wire | \$25,000 |
| • Seeding and Grading in Backyard Swales | \$15,500 |
| • Seeding and Grading in Fill Areas | \$15,000 |
| • Staging Area Cleanup and Removal of Stockpiles | <u>\$ 2,500</u> |
| | \$68,000 |

WHEREAS, the contractor has since completed the above referenced work on the continuation of Breezewood Drive, Arrowood Lane, a portion of Basswood Lane and Silverbell Circle. 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 \$68,000 held in escrow under PIP #2005-01 for the completion of two Asphalt Access Aprons, Street Lighting, Seeding and Grading in Backyard Swales, Seeding and Grading in Fill Areas, and Staging Area Cleanup and Removal of Stockpiles to Tom Greenauer Development, Inc., Site Contractor, P.O. Box 250, Springbrook, NY 14140-0250 for the Chestnut Ridge Village Subdivision Part 6 and Part 7, Phase 1, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #9 Authorize the Release of Escrow held under PIP #2005-05-Sanitary Sewer Ext.

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

WHEREAS, on January 4, 2006 the Town Board accepted dedication of the public improvements constructed in the Big Tree/Kings Court Sanitary Sewer Extension with the stipulation that funds paid by the contractor be held in escrow until the Final Grading, Topsoiling and Seeding were completed, and

WHEREAS, the contractor has since completed the above referenced work on the sanitary extension from King's Court west along Big Tree Road. 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 the \$1,500 held in escrow under PIP #2005-05 for the Big Tree/Kings Court Sanitary Sewer Extension for the completion of Final Grading, Topsoiling and Seeding to Big Tree Development DBA Southern Tier Construction New Build Account, 4251 Big Tree Road, Blasdell, NY 14219, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #10 Approve the Out-of-District Sewer Agreement for Newton Abbott Fire Company

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

WHEREAS, that the Town Engineer has received correspondence requesting Out-of-District Water approval for Newton Abbott Fire Company, Inc., S-3427 Abbott Road. The fire hall is located outside the boundaries of Orchard Park Water District #18, in the Town of Hamburg, and

WHEREAS, the Town has a completed Out-of-District Sewer Service Agreement and a Certified Resolution dated June 26, 2006 from the Town of Hamburg agreeing to Newton-Abbott Company's request to become an out-of-district customer and discharge sanitary sewer waste into the Town of Orchard Park system.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the Out-of-District Sanitary Sewer Service Agreement between Orchard Park Sewer District #18 and Newton-Abbott Fire Company, Inc., of S-3427 Abbott Road, Hamburg, NY.

The resolution was unanimously adopted.

New Business #11 Authorize Part-time Employee for the Planning Department

16) 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 the appointment of a part-time position to the Planning Board Office, Amy Glende, for two days per week, for four weeks at a wage rate of \$8.00/hour, effective 7/19/06, as requested by the Planning Coordinator.

The resolution was unanimously adopted.

New Business #12 & 13 Refer to the Planning Board and/or Conservation Board

17) 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 authorize to refer the following items to the Planning Board:

- CVS Pharmacy, 6531, 6539 & 6545 Michael Road: Requesting rezoning from R-3 to B-2, to construct an 11,945 square feet pharmacy.
- 3050 Orchard Park Road (Former Towne Lincoln Mercury), requesting review and approval of revised site plan for medical office building.
- Buffalo Harley-Davidson, Inc., 140 Mid County Drive: Requesting revisions to the exterior of the existing property.
- Western New York Center for Golf – First Tee Barns, Transit Road: Requesting a review of the site plans and a building permit to renovate barns on their Transit Road property.

The resolution was unanimously adopted.

ELECTED OFFICIALS AND DEPARTMENT HEADS

Councilwoman Ackerman announced that the Orchard Park Students art work "Art Splash" has been displayed in the Municipal Center this past week. She also stated that Lindsey Matthews is a volunteer in the office at the Compost Site through an approved fifty-(50) hour internship. She stated Councilman Jemiolo has been working with Ms. Matthews on computer documentation and analysis of the Compost Site, along with Compost Site Crew Chief, Bruce Wellington, Highway Superintendent Fred Piasecki and Councilwoman Ackerman. She also stated his will be helpful when applying for grants in the future.

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

WHEREAS, the Town of Orchard Park Town Board has worked diligently in preparing a Comprehensive Plan for the Town, and

WHEREAS, through the coordinated actions of the Town Board, Town employees and the citizens of the Town of Orchard Park, the Town has completed a Draft Comprehensive Plan, and

WHEREAS, the Town of Orchard Park has held numerous public informational meetings and outreach and is confident that the report represents the consensus of the citizens of the Town of Orchard Park, and

WHEREAS, the Orchard Park Town Board, as Lead Agency, has initiated the coordinated review process in accordance with the requirements of the State Environmental Quality Review Act (SEQRA)

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby schedule a Public Hearing, for the Proposed Draft Town of Orchard Park Comprehensive Plan, in accordance with Section 272-a of the New York State Town Law, for Wednesday, August 2, 2006 @ 7:00 PM (local time) at the Orchard Park Municipal Center, 4295 S. Buffalo Street NY 14127, to hear all interested persons for or against the draft plan, and be it further

RESOLVED, that the Town Clerk shall publish due notice in the official newspaper of the Town.

Councilwoman Ackerman stated that this is the beginning of the official public comment period and the Town Board would welcome any written statements for review. The Public Hearings will be held as long as necessary to obtain as much input to take action on the plan that has been presented.

The resolution was unanimously adopted.

Councilman Kaczor complimented Councilwoman Ackerman on her efforts on behalf of the community to insure quality buildings in the Town and Village with the Proposed Draft of the Comprehensive Plan.

Highway Superintendent Piasecki reported on road work in the Town of Orchard Park and the progress on the Milestrip Sports Pavilion.

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

WHEREAS, the Police Chief, Highway Superintendent and the Town Engineer have all reviewed the street layout for Chestnut Ridge Village Subdivision Part 6 and Part 7, Phase 1, P.I.P. 2005-001, and

WHEREAS, upon recommendation of the Chief of Police, the Highway Superintendent and the Town Engineer, and pursuant to the authority granted by Section 1660 of the Vehicle and Traffic Law of the State of New York

NOW, THEREFORE, be it

ORDERED, that four (4) “**Stop**” Signs be erected, effective immediately, within the Town of Orchard Park, outside the incorporated Village of Orchard Park, at the following locations:

- on Silverbell Circle at the intersection of Breezewood Drive
- on Basswood Lane at the intersection of Breezewood Drive
- on Arrowood Lane at the intersection of Breezewood Drive
- on Breezewood Drive at the intersection of Arrowood Lane

And it is further

ORDERED, that the Superintendent of Highways be and is hereby directed to post the proper and necessary signs at said location.

The resolution was unanimously adopted.

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

WHEREAS, the Ford F150 pickup truck is presently assigned to our survey crew and construction inspection staff is in poor condition, with increasing costly maintenance. Currently, the transmission needs to be replaced at a cost of \$3,000± and body work is needed. This vehicle currently has approximately 80,000 miles and was scheduled to be replaced with the Town Engineers 2003 Chevrolet Silverado Extended Cab pickup truck next year, and

WHEREAS, the Engineering Department proposes to purchase a new pickup for the Town Engineer, assign the 2003 Chevrolet Silverado Extended Cab pickup, currently assigned to the Town Engineer, to the survey crew and inspectors. The 1997 Ford F150 will then be designated as surplus and sold at the annual municipal auction. Its value is estimated to be less than \$1,500, and

WHEREAS, delivery of the new pickup is expected within four months, whereupon a truck bed cover will be installed at an estimated cost of \$800

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby declare the Engineering Department 1997 F150 Pickup Vin# 2FTDX1720VCA12787 as a surplus vehicle and authorize its sale at public auction, and be it further

RESOLVED, that the Town Board does hereby authorize the purchase of One-(1) New 2007 Model Chevrolet Silverado 1500LT Extended Cab Pickup Truck from Hoselton Chevrolet, Inc., 909 Fairport Road, East Rochester, NY 14445 under New York State bid contract #PR18489 at a cost of \$19,330.02, as recommended by the Town Engineer.

The resolution was unanimously adopted.

21) 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 a permit for Public Display of Fireworks to Tom Buranich, 6000 Cole Road, Orchard Park, NY 14127 on July 30, 2006 at dusk with no rain date and upon receipt of insurance policy.

The resolution was unanimously adopted.

COUNTY AND STATE OFFICIALS

Erie County Legislator John Mills: Mr. Mills commented about the feedback throughout the County on the success of the Compost Site. He talked about the drainage report conducted by the County of problem areas in Orchard Park. Legislator Mills stated the need to network and exchange information between the Town, County and State to solve problems with roads and drainage issues. He is currently checking into funds for FEMA money for storm cleanup. Legislator Mills is lobbying to keep advertising out of County properties, on items such as billboards and park benches.

Supervisor Travers Murphy asked Legislator Mills about Mr. Frantsits drainage problem. Mr. Mills stated he is actively working on it.

22) 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 #14 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$ 133,417.88
Part Town Fund	903.92
Risk Retention	0.00
Cemetery Fund	0.00
Highway Fund	12,933.02
Special Districts	128,604.17
Trust & Agency	2,640.60
Capital Fund	102,847.72

The resolution was unanimously adopted.

Receive & File Reports

23) 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's Monthly Report & Building Permits for June 2006 and, Chief of Police's Monthly Report for June 2006.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

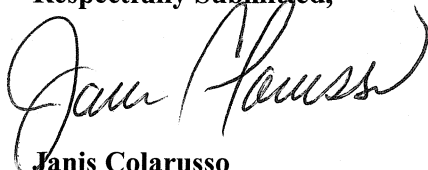
Nicholas Taneff, 279 Summit Avenue: Mr. Taneff thanked the Police Department officers who responded on July 6, 2006 to the complaints of the residents of Summit Avenue to enforce the clean up of a property owner who moved. He thanked Supervisor Travers Murphy and Building Inspector Geist for their survey of the Town's neglected properties and hoped that stricter codes would be enforced.

Robert Frantsits, 4270 California Road: Mr. Frantsits reiterated his problem with water in his basement.

Tom Casey, 12 Harvard Place: Mr. Casey submitted a letter to the Ethics Board and is still waiting for a Freedom of Information response.

There being no further business from the floor, on motion by Councilman Jemiolo, and seconded by Councilwoman Ackerman, to wit; the meeting was adjourned at 7:55 PM (local time).

Respectfully Submitted,



Janis Colarusso
Town Clerk

