

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 1st day of August 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
	Mark Dietrick	Councilman
	Deborah Yeomans	Councilwoman
	Janis Colarusso	Town Clerk
	Leonard Berkowitz	Town Attorney
	Andrew Benz	Asst. Chief of Police
	Frederick Piasecki, Jr.	Highway Superintendent
	Wayne Bieler	Town Engineer
ABSENT:	Samuel McCune	Chief of Police
	Andrew Geist	Building Inspector

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 COUNCILWOMAN YEOMANS, TO WIT:

RESOLVED, that the minutes of the Meeting of the Town Board held on July 18, 2007 and the Executive Session Minutes for July 18, 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 Local Law for the Year 2007; **Amendments to the Historic Preservation Law**, which provides as follows:

- § 74-5 Paragraph B shall be amended as follows: the word "presentation" should be changed to "preservation"
- § 74-6 A (1) should be modified to state the following: has attained the age of 50 yrs; or
- § 74-6 D (1) should be modified to eliminate the word "active"
- § 74-8 A (4) is hereby repealed

The following sections should be added:

§74-10 Hardship Criteria for Demolition

An applicant whose certificate of appropriateness for a proposed demolition has been denied may apply for relief on the ground of hardship. In order to prove the existence of hardship, the applicant shall establish that:

- (1) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
- (2) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
- (3) Efforts to find a purchaser interested in acquiring the property and preserving it have failed.

§74-11 Hardship Criteria for Alteration.

An applicant whose certificate of appropriateness for a proposed alteration has been denied may apply for relief on the ground of hardship. In order to prove the existence of hardship, the applicant shall establish that the property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible.

§74-12 Hardship Application Procedure.

A. After receiving written notification for the Preservation Board of a denial of a certificate of appropriateness, an applicant may commence the hardship process. No building permit or demolition permit shall be issued unless the Preservation Board makes a finding that a hardship exists.

B. The Preservation Board may hold a public hearing on the hardship application at 2 which an opportunity will be provided for proponents and opponents of the application to present their views.

C. The applicant shall consult in good faith with the Preservation Board, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property.

D. All decisions of the Preservation Board shall be in writing. A copy shall be sent to the applicant by registered mail and a copy filed with the Town Clerk's Office for public inspection. The Preservation Board's decision shall state the reasons for granting or denying the hardship application. If the application is granted, the Preservation Board shall approve only such work as is necessary to alleviate the hardship.

§74-13 Enforcement.

All work performed pursuant to a certificate of appropriateness issued under this ordinance shall conform to any requirements included therein. It shall be the duty of the Building Code Enforcement Officer to inspect periodically any such work to assure compliance. In the event work is found that is not being performed in accordance with the certificate of appropriateness, or upon notification of such fact by the Historic Preservation Board, the Building Code Enforcement Officer shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect.

The following sections are hereby re-numbered as follow:

§74-14 Penalties for offenses.

§74-15 Appeals.

§74-16 Conflict with other provisions.

§74-17 Compliance required prior to action.

§74-18 Jurisdiction.

§74-19 Severability.

§74-20 When effective.

§74-15 Should be modified to remove the word "designation".

Affidavits and Publication of the Legal Notice of the Public Hearing were presented, read aloud and filed with the Town Board by the Town Clerk.

At this time the Supervisor asked if there was anyone in the audience that would like to speak for or against the proposed local law.

Comments from the floor: Suzanne Kulp – Town Historian/OP Historical Society: Ms. Kulp was in favor of the new amendments.

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

RESOLVED, that the Public Hearing in the matter of the Proposed Local Law for the Year 2007: Amendments to the Historic Preservation Law, is hereby closed at 7:08 PM (local time).

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby adopt Local Law #6 for the Year 2007-Amendments to the Historic Preservation Law, as recommended by the Historic Preservation Board.

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	Aye
Councilwoman Yeomans	Aye

The resolution was unanimously adopted.

Old Business #1 (Approved at a Special Meeting of the Town Board, dated 6/27/07) Authorize the Supervisor to sign an Agreement with Wendel Duchscherer for Professional Services in the design of the Orchard Park Library Renovations (tabled July 18, 2007).

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 (tabled July 18, 2007).

New Business #1 Schedule Public Hearing for Local Law - Fire Prevention and Building Codes

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

RESOLVED, that the Town Board does hereby schedule a Public Hearing for Wednesday, September 5, 2007 at 7:00 PM, at the Orchard Park Municipal Center, 4295 South Buffalo Street, Orchard Park NY, for a Local Law for the Year 2007; Fire Prevention and Building Code, as recommended by the Building Inspector, and be it further

RESOLVED, that the Town Clerk shall publish due notice thereof.

The resolution was unanimously adopted.

New Business #2 Agreement between the Town and Village of Orchard Park re: Compost Facility

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

WHEREAS, the parties to this agreement are the Village of Orchard Park and the Town of Orchard Park, with both offices located at S4295 South Buffalo Street, Orchard Park, New York, and

WHEREAS, the Town of Orchard Park operates a Compost Site at 6909 Milestrip Road in the Town of Orchard Park, and

WHEREAS, the Village of Orchard Park wishes to utilize the services of the compost site; and the parties hereby agree as follows:

- The Village of Orchard Park shall be authorized to deliver to the compost site at 6909 Milestrip Road, Orchard Park, New York, brush and leaves. All materials delivered must be cleaned. No grass will be accepted. The Compost Manager will make the final determination as to whether any materials may be accepted in the compost site.
- The Village of Orchard Park shall pay to the Town of Orchard Park upon execution of this Agreement, the sum of Six Thousand (\$6,000.00) Dollars.
- This Agreement shall be in effect from June 1, 2007 through May 31, 2008.
- During the pendency of this Agreement, the benefits of the free mulch day, provided by the Town of Orchard Park Compost Site shall be available to all residence of the Village of Orchard Park.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the agreement between the Town of Orchard Park and the Village of Orchard Park for use of the Town Compost Site.

The resolution was unanimously adopted.

New Business #3 Appointment to the Orchard Park Police Department

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

RESOLVED, that the Town Board does hereby appoint Brian D. Gehring, as a Police Officer, to the Orchard Park Police Department, effective August 6, 2007, as requested by the Chief of Police.

The resolution was unanimously adopted.

New Business #4 Award Contract for the New Phone System: Advance2000, Inc.

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

RESOLVED, that the Town Board does hereby award the Contract for installation, configuration and setup of the new phone system, not to exceed \$11,500 to Advance2000, Inc., 1140 Wehrle Drive, Amherst NY 14221.

The resolution was unanimously adopted.

New Business #5 Statement of Support for Grant/Cruelty to Animals Serving Erie County

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

WHEREAS, the Society for the Prevention of Cruelty to Animals serving Erie County is the lead agency applying for a grant from the Maddie's Fund to support community wide collaborations for adoption guarantee organizations, traditional shelters, animal control agencies, and private practice veterinarians working together to end the killing of healthy and treatable shelter dogs and cats, and

WHEREAS, the Orchard Park Town Board wishes to express it's support for this application and also appreciation for the excellent work performed by the Erie County SPCA in the community in support of our animal control program.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Orchard Park, and the Animal Control Program administered by the Police Department will support the efforts of the Animal Alliance of Western New York and the Erie County SPCA through partnering with them to save the lives of cats and dogs through ongoing communication, record keeping, and best practices.

The resolution was unanimously adopted.

New Business #6 Town Assessor Request to Purchase Assessment Property Record Cards Licenses

9) 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 approve the Town Assessor's request to purchase two-(2) APRC (Assessment Property Record Cards) licenses for his staff at a cost of \$500.

Before the vote was taken, Councilman Dietrick stated he believes the use of property cards on the computer/web gives too much information about a person's house.

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

The resolution was duly adopted.

New Business #7 Town Assessor to Attend the Seminar at the Cossack Center in Cheektowaga

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 Town Assessor, Milton Bradshaw to attend the Cossack Center in Cheektowaga for two classes on Residential Construction Basics, August 24th and August 31st, at Town expense for \$75.00.

The resolution was unanimously adopted.

New Business #8 Town Assessor to Attend NYS Assessor's Conference in Buffalo

11) 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 Town Assessor, Milton Bradshaw to attend the New York State Assessor's Association Conference at the Adam's Mark Buffalo-Niagara Hotel, Buffalo NY, September 23rd through September 26th and authorize Dave Benes, the Town Assessor's Senior Tax Map Technician to attend the classes during the day, both at Town expense for \$431.00.

The resolution was unanimously adopted.

New Business #9 Historical Society Request for a Tent for the "Jolls Babies Birthday Celebration"

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

RESOLVED, that the Town Board does hereby authorize the Orchard Park Historical Society requesting to set up a tent (20'x30') between the Jolls House and the Municipal Center for the "The Jolls Babies Birthday Celebration" to be held Saturday, September 8, 2007. The tent will be removed Sunday, September 9th.

The resolution was unanimously adopted.

New Business #10 Public Safety Committee Recommendations from their July 17, 2007 Meeting

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

WHEREAS, at the July 17, 2007 Meeting of the Public Safety Board the following recommendations were made to the Orchard Park Town Board,

NOW, THEREFORE, be it

ORDERED, that the Town Board does hereby authorize a "Traffic Order" to lower the Speed Limit Sign on Baker Road to "35 MPH" from 40 MPH, due to the increase of residential homes on the northern side of Baker Road, and the location of the Orchard Park School District Office, and be it further

ORDERED, that the Town Board does hereby authorize a "Traffic Order" to move the posted "30 MPH" Speed Limit Sign closer to the entrance of Greystone Lane and Milestrip Road, with the additional placement of a "30 MPH" sign further down the circle, and be it further

ORDERED, that the Town Board does hereby authorize a "Traffic Order" for the placement of a "35 MPH" Speed Limit Sign and a "Dead End" Sign on Wildwood Lane, and be it further

RESOLVED, that the Town Board does hereby authorize the Supervisor to send a letter to the Village of Orchard Park to request that the Village contact the New York State Department of Transportation to conduct an in depth study to determine if a traffic signal is warranted at the intersection of New Taylor Road and North Buffalo Road, and be it further

RESOLVED, that the Town Board does hereby authorize the Supervisor to send a letter to Mr. Taylor of the New York State Department of Transportation for an updated survey for a speed reduction on Rte. 20A, East of the Village of Orchard Park, and be it further

RESOLVED, that the Town Board does hereby authorize the Supervisor to send a letter to the Erie County Department of Transportation to determine if a "Deer Crossing" Sign is warranted on Abbott Road, between Milestrip Road and Lake Avenue.

The resolution was unanimously adopted.

New Business #11 (Tabled) Proclamation claiming Charitable Activities of the Corn E Clown Alley of Erie County and the wholesome entertainment they provide throughout all of Western New York State and Erie County, August 1 – 7, 2007.

New Business #12, 13 & 14 Refer to the Planning Board and/or Conservation Board

14) 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:

- WNY Center for Sport Psychology, 170 Thorn Avenue. Request to move his practice from West Seneca to his new residence in Orchard Park. He would like to set up the front of his home specifically for his psychology practice, under the dual role that it would serve.
- Kentucky Greg's Inc., 2911 Southwestern Blvd., Zoned B-2. Request to convert former deli store into a casual barbeque restaurant.
- Stephen Kane, Quaker Crossing East, Out-Parcel, bordered on the south by Milestrip Road and on the West by Amelia Drive, Zoned B-1. Request to construct a 6,500 square foot retail building.

The resolution was unanimously adopted.

Elected Officials & Department Heads

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

WHEREAS, the Town board has reviewed its capital plan as of June 30, 2007, and

WHEREAS, the Town wishes to 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 authorizes the following transfers of funds:

Transfer from:

Town Lakes and Ponds Water Quality (H30)	\$ 53,118.27
Webster/20/Carriage Drive Intersection (H53)	\$ 11,268.66
Police Vehicles Acquisition (H57)	\$ 33,394.67
Disaster Coordinator Equipment (H61)	\$ 7,918.19
Land Stewardship Account (T44)	\$ 18,768.72
Public Improvement Permits (T87)	<u>\$ 18,459.55</u>
Total	\$142,928.06

Transfer to:

Highway Building Repair and Expansion (HO5)	\$ 100,000.00
Municipal Building Capital Reserve (H14)	\$ 35,000.00
Birdsong Park Nature Preserve (H23)	\$ 7,928.06
Total	\$ 142,928.06

The resolution was unanimously adopted.

Schedule Public Hearing for September 5, 2007 for the OP (Updated) Comprehensive Plan

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

RESOLVED, that the Town Board of the Town of Orchard Park does hereby schedule a Public Hearing for Wednesday, September 5, 2007 at 7:00 PM, at the Orchard Park Municipal Center, 4295 South Buffalo Street, Orchard Park NY, for the purpose of the Adoption of the (updated) Town of Orchard Park Comprehensive Plan. All interested parties and citizens shall have an opportunity to be heard by the Town Board, and be it further

RESOLVED, that the Town Clerk shall publish due notice in the Official Newspaper of the Town.

The resolution was unanimously adopted.

Councilwoman Yeomans said that the "Wall of Heroes" honoring the service men and women will be dedicated in the Orchard Park Town Hall on Sept. 10th at 7:00 PM

Councilman Kaczor stated that the Town Board is going to work with Paul Warriner, the Town's IT manager, to develop a Strategic Technology Plan to assess what the Town's needs will be and the costs involved. He also talked about the new format that is going to be used in the Town's budgeting process. It is going to show what the proposed budget was vs. the actual costs. Councilman Kaczor said that the Town Accountants were also keeping track of a salary survey, where they compile the salaries of all the elected and appointed members of other Town Governments to help the Town Board in their budget process.

Councilman Dietrick stated that there is a Household Hazardous Waste Day being held in the Town of Elma on Sat. August 25th, between 9:00am and 2:00pm. He stated that he hopes the Government Efficiency Task Group also evaluates the Town's operations to see what may be improved in the Town Government.

Highway Superintendent reported the progress on the Fay, Glen & Pilger Roads reconstruction.

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

General Fund	\$ 67,771.32
Part Town Fund	\$ 926.76
Risk Retention	0
Cemetery Fund	0
Highway Fund	\$ 11,081.03
Special Districts	\$ 5,698.12
Trust & Agency	\$ 14,510.80
Capital Fund	\$ 107,603.05

The resolution was unanimously adopted.

Receive & File Communications & Reports

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

RESOLVED, that the Town Board does hereby receive and file the following Communications: **Town of Cheektowaga**: At a meeting held on July 16, 2007 at 6:45 PM, the following resolutions were passed by the Town Board – Support of US Soldiers' Use of the Spartan II Body Armor Vests and Support Dedication of County Forest Preserves as Parklands, and **Town of Marilla, Household Hazardous Waste**: Saturday, August 25, 2007, from 9AM to 2 PM, at the Town of Marilla Highway Department, 1883 West Avenue, Marilla New York.

The resolution was unanimously adopted.

Bryan Young, Seasonal Landscaping & Nursery, Inc. 2240 Southwestern Boulevard

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

RESOLVED, that the Town Board does hereby authorize a Building Permit to Bryan Young, Seasonal Landscaping & Nursery, Inc., 2240 Southwestern Boulevard, Zoned B-2, to construct a 1,500 sq. ft. addition on the west and a 1,400 sq. ft. addition on the east of the existing building; parking and green space areas will be increased at the site. The Planning Board recommends that the Town board authorize a Building Permit for a 1,500 sq. ft. addition on the west and a 1,400 sq. ft. addition on the east of the existing building and approve the site plan received, 5/23/07, based on the following conditions and stipulations:

- This is a Type II SEQR Action and, therefore, no determination of significance is required.
- The site lightening is limited to those fixtures and poles indicated on the approved site plan. Lights 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 will be granted on 8/1/07.
- A Landscape Completion Bond of \$3,602.00 or a certified check in the amount of \$1,801.00 in accordance with the Conservation Board Minutes shall be provided for the approved Landscape Plan, which includes 13.8% green space.

The resolution was unanimously adopted.

100 Hammocks Drive, East Side of Orchard Park Rd., South of Southwestern Boulevard

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

RESOLVED, that the Town Board does hereby approve of the revised Site Plan received, 3/21/07, as recommended by the Planning Board, 8/1/07, for "The Hammocks" East side of Orchard Park Road, South of Southwestern Blvd., Zoned R-3 Special Exception Use, with the following stipulations:

- A Negative Declaration, based on the submitted Long EAF, Parts 1 & 2 was issued by the Town Board for the original Site Plan on 5/21/03.

- A Landscape Completion Bond was obtained for the original Landscape Plan in the amount of \$8,795.00 in 2003; the value of the landscaping for the revised plan is \$8,755.00. This amount is lower than the original plan; however, the Conservation Board at their 4/3/07 meeting moved that the initial bond amount is to remain in the effect and the petitioner agreed to this request.
- The dumpster currently on the site shall be properly screened with gates. Any other dumpsters on the site shall be screened in accordance with §144-285 of the Town Code.
- No outside Storage or display is permitted.
- Town Engineering approval has been granted on 8/1/07.
- The site lighting is limited to those fixtures and poles indicated on the approved site plan. Light fixtures shall have flat lens.
- The project will be completed in one phase.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Bill Pilger – Mr. Pilger had some concerns regarding the reconstruction of Fay, Glen & Pilger roads. He also stated he concern regarding the brush pick up.

Robert Aronica – Mr. Aronica wanted to know why it is taking more than five weeks to pick up the brush, and has issues with the garbage pickup

Douglas McFarland – Mr. McFarland read a letter from the McFarland Family stating that they strongly object to the proposed statue to be placed in McFarland Green, green space that was donated by their father to the Town. The park was to be kept forever green, and they would like the Town to consider other locations for the statue, such as the Library, the Railroad Depot or Green Lake. Councilwoman Ackerman outlined the history of McFarland Green, and the Town Board said they would meet with the McFarland Family as they do not want to do anything against the family's wishes.

Tom Casey – Mr. Casey discussed his letter to the Town Board regarding his research into the rezoning of Quaker Crossing South for Sam's Club, then the Super Walmart. In his letter he talks about what he thinks are violations of the SEQR Law and other issues.

John Sawicz – Mr. Sawicz stated his opposition to the Fisher Bus project due to the extremely heavy amount of pollution that it will produce, which will affect the whole northwest portion of the Town. Also, this type of business will operate all hours of the day and evening. Mr. Sawicz stated that the proposed bus project is only ½ mile from the proposed Walmart project.

Petitions against Walmart, with over 500 signatures, were turned into the Town Board and the following people spoke against Walmart, with their concerns listed below: **Louis Boehm, Robert Aronica, Christine Weyer, Stephanie Gregorie, Jane Shoemaker, Carol Schuester, Jennifer Winspear, David Schuester, Jim Crow, Katheryn Gorkiewicz, Chris Willett, Edward Flynn, Tom Casey, Chuck Bender, John Sawicz**

- Hugh increase in traffic, congestion and safety issues, the Plaza cannot deal with the traffic it has now.
- Environmental Concerns
- Overdevelopment hurts communities, not the developers.
- The Town Board needs to declare a Positive Declaration, and launch a formal State Environmental Quality Review, not an amended declaration request. It needs to be a full, legal process.
- The cost of police enforcement for a super Walmart will be more than the tax revenue the Town will make, and the Town will not receive the full tax base until 10 years from now.

- Wal-Mart wants the police to recover the stolen merchandise, but do nothing to help prosecute the perpetrators. Walmarts located close to an interstate have a much larger theft problem. All this will detract from the protection of the citizens.
- A super Wal-Mart will do nothing to increase the quality of life in Orchard Park, and can have significant, costly and often unforeseen adverse effects on a community.
- Wal-Mart admits that 25% of its stores do not meet minimum expectations of cleanliness, product availability and check out times. CVS & Target out run Walmart in sales. Walmart is flat lining.
- Financial analysts feel that Walmart's future is unstable due to building too many stores in a close proximity, competing against itself, stores then closing and leaving them as eye sores in the community.
- The stores are not kept up and are dirty.
- The jobs that Walmart would bring to the table are part-time, minimum wage with no benefits and their employees have to use the public health system that uses our tax dollars.
- Do not underwrite a big box store; give the breaks to the local, independent businesses that give back to the community. This store will hurt our local retailer, and if our local retailers end up closing, the Town will suffer a tremendous drain of experience and resources.
- Our local businesses support our youth, sports activities and cultural activities, the big box stores do not.
- There is already a Walmart in Hamburg, are we going give our neighbor a white elephant, are we going to allow them to go from one spot to another. Will Walmart do the same here after all their tax breaks expire.
- Why would the Town Board make the same mistakes as Amherst, Williamsville and the other areas that allowed overdevelopment, keep Orchard Park special. People move to Orchard Park because of the type of Town it is now, the quality of life it offers, the amenities, and its beauty. A super Walmart could change all of that.

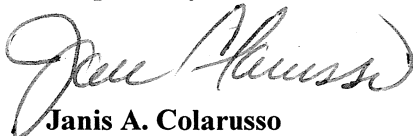
The following people spoke in favor of Walmart with their reasons listed below: **Tom Pieczynski & George Sambrotto**

- The highway system was put in to handle all the traffic that will be generated, and is sufficient.
- Wal-Mart serves a purpose; the local stores do not always carry some of the items that people need.
- As far as products and clothing being made in foreign countries, all stores have that.
- Wal-Mart is already here, they are just going to move it.
- Feels the current site would be perfect for Wal-Mart.

Bob Frantsits – Mr. Frantsits feels that the Town Board considers the Northwest portion of Orchard Park a “dumping ground” and feels that his area does not have proper representation on the Town Board.

There being no further business from the floor, on motion by Councilman Kaczor, seconded by Supervisor Travers Murphy, to wit: the meeting was adjourned at 8:59 PM (local time).

Respectfully Submitted,



Janis A. Colarusso
Town Clerk

