

A Meeting of the Town Board of the Town of Orchard Park, Erie County, New York, was held at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park, New York on the 16th day of August 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
	Samuel McCune	Chief of Police
	Frederick Piasecki, Jr.	Highway Superintendent
	Wayne Bieler	Town Engineer

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 COUNCILMAN JEMIOLO, TO WIT:

RESOLVED, that the minutes of the Meeting of the Town Board held on June 21 & July 5 & 19, 2006, and the Special Meeting/Executive Session Minutes held on July 5, 26 & August 2, 2006, as presented by the Town Clerk, are hereby approved, and be it further

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

The resolution was unanimously adopted.

Old Business #1 CVS Drug Store, Corner of Michael Road & Union Road, Schedule Public Hearing

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

RESOLVED, that the Town Board is hereby authorized to schedule a Public Hearing on Wednesday, September 20, 2006 @ 7:00 PM, in the matter of an amendment to the Zoning Ordinance to rezone property from R-3 to B-2 to construct an 11,945 sq. ft. building for a CVS Drug Store, located at the corner of Michael Road & Union Road, and be it further

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

The resolution was unanimously adopted.

Old Business #2 Fisher Bus Project, South Benzing Road, Town Board to Seek Lead Agency

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 Seek Lead Agency for Fisher Bus Project, vacant land on South Benzing Road, Zoned I-1, who is requesting a building permit to construct a new headquarters facility totaling approximately 17,000 sq. ft. office and repair shop with parking for vehicles (buses and cars) on an +/- 11 acre site, as recommended by the Planning Board.

The resolution was unanimously adopted.

At this time Councilman Jemiolo started to make a motion requesting a Full Environment Statement encompassing Heath, Pollution, Noise and Traffic, as recommended by the Planning Board. Before he could finish, Town Attorney Leonard Berkowitz, stated that it is premature to ask for an Environment Impact Statement (EIS) as it will be thirty days before the Town Board is declared Lead Agency in this matter, and if anyone else is declared Lead Agent, they may request different areas of concern to be addressed in the EIS. Mr. Berkowitz said it is unlikely that anyone else will be declared Lead Agency, so if Mr. Fisher would like to proceed with the EIS, addressing the above mention issues, he may certainly do so at his own risk.

Councilwoman Ackerman said she would like the Town Engineer, Wayne Bieler, to talk to the individuals involved with this project and tell them how the Town would like the above issues addressed and what would be sufficient, as soon as possible

At this time Councilman Jemiolo withdrew his motion.

Old Business #3 Tim Horton's 3239 Abbott Road, Town Board to Approve Building Permit

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 authorize a building permit for Tim Horton's, 3239 Abbott Road, Zoned B-2 & R-3, to construct a 3,080 sq. ft. +/- restaurant with a drive-through, and to approve the site plan received on August 7, 2006, with the following conditions and stipulations:

- This is an Unlisted SEQR Action based on the submitted Long EAF and a Negative Declaration is recommended based on the submitted Long EAF, Parts One and Two.
- The site lighting is limited to those fixtures and poles indicated on the approved site plan. Light fixtures shall have flat lens.
- No outside storage or display is permitted.
- Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with Section 144-25 of the Town Code.
- A Landscape Completion Bond in accordance with Conservation Board minutes shall be provided for the approved landscape plan which includes 20% green space, prior to the receipt of a Building Permit. This will be a two year bond in the amount of \$32,098 or a certified check in the amount of \$16,049.
- Town Engineering Approval was granted on 8/9/06.

The resolution was unanimously adopted.

New Business #1 Supervisor to Sign the Agreement w/Southtowns Sewage Treatment Agency

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

WHEREAS, the Agreement, which has been previously provided to the Town Board by the Southtowns Sewage Treatment Agency, provides for dissolution of the Southtowns Sewage Treatment Agency and transfer of all of its duties, responsibilities, assets and liabilities to Erie County Sewer District No. 3, and

WHEREAS, the original Southtowns Sewage Treatment Agency Agreement did not include the Town of Orchard Park as a signatory even though the Town of Orchard Park sat on the Southtowns Sewage Treatment Agency, pursuant to the Agreement, but was not a signatory to the Agreement, and

WHEREAS, there are representatives on the Southtowns Sewage Treatment Agency by members of the Orchard Park Town Board, but dissolution of the Agency will eliminate the representation, which the Town enjoys on the Southtowns Sewage Treatment Agency.

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 Erie County Southtowns Sewage Treatment Agency for the dissolution of the agency and the transfer all of its duties, responsibilities, assets and liabilities to Erie County Sewer District No. 3, with the condition the membership of the Erie County Sewer District No. 3 be modified to include one-(1) Member of the Orchard Park Town Board to be appointed by the Town Board.

The resolution was unanimously adopted.

New Business #2 Supervisor to Sign Grant Application for State Assistance for Green Lake Dam

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

WHEREAS, the Town of Orchard Park herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project, and

WHEREAS, Article 56 of the environmental Conservation Law authorizes State assistance to municipalities for dam safety projects by means of a contract and the Municipality deems it to be in the public interest and benefit under the law to enter into a contract therewith.

NOW, THEREFORE, be it

RESOLVED, that the Town Supervisor, Mary Travers Murphy, is the representative authorized to act on behalf of the Town of Orchard Park in all matters related to State Assistance under ECL Article 56, Title 3, and be it further

RESOLVED, that Supervisor Travers Murphy is also authorized to make application, Execute the State Assistance Contract, submit Project Documentation, and otherwise Act for the Municipality's Governing Body in all matters related to the project and to State Assistance, and be it further

RESOLVED, that the Municipality agrees that it will commit \$162,000 in cash and in kind goods and services to complete the Project and those funds will be available to initiate the Project's work within twelve (12) months of written approval of its application by the Department of Environmental Conservation, and be it further

RESOLVED, that one-(1) certified copy of this resolution be prepared by the Town Clerk and sent to the Albany office of the new York State Department of Environmental Conservation together with the application for State Assistance payments for Dam Safety Projects, and be it further

RESOLVED, that the application certificate of recording officer be completed by the Town Clerk and included with the application, and be it further

RESOLVED, that this resolution will take effect immediately.

Councilman Kaczor stated this Grant Application is for safety work on the Green Lake Dam, which has been estimated at \$650,000. He also stated that the Town has previously applied for this grant, and have not been very successful.

The resolution was unanimously adopted.

New Business #3 Approve Change Order #2 w/Birch Grove Landscaping for Birdsong Park

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

WHEREAS, the Engineering Department is requesting your approval of a Change Order to the contract with Birch Grove Landscaping for the Birdsong Park Nature Trails Project in the amount of \$5,379.54. If approved, this would increase the total contract amount to \$359,324.54, representing an increase of 1.52%, and

WHEREAS, this Change Order consists of the cost for Birch Grove Landscaping to perform additional work under their contract for the Birdsong Park Nature Trail Project to include installation of 12-6x6 posts, installation of hurricane ties to all boardwalk joists and for the modification to 6-8x8 bollards to allow them to become removable.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Change Order #2 to the original Contract with Birch Grove Landscaping for the Birdsong Park Nature Trails Project, in the amount of an increase of \$5,379.54, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #4 Approve Public Improvement Permit 2006-03 for Baker Highlands Subdivision

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

WHEREAS, the Engineering Department received an application from Victor Marrano/Marc Equity, 2730 Transit Road, West Seneca NY 14224, for a Public improvement Permit to construct the Baker Highlands Subdivision, and

WHEREAS, the project consists of the installation of 1,678 linear feet of new roadway and public utilities to serve 21 residential sublots. This subdivision will also include the installation of a stormwater detention pond and two stormwater quality treatment units, and

WHEREAS, the Town Engineer has reviewed the plans and specifications for the proposed project and has found them to be in compliance with current Town specifications, and the Engineering Department is in receipt of all necessary fees, bonds and insurances.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Public Improvement Permit #2006-03 for Baker Highlands Subdivision with the following stipulations:

- Evaluate all debris that is encountered, test remaining soil for contaminants, fill with clean soils of a similar type and submit results to the Engineering Department and the Planning Board before dedication of subdivision, before lots are sold and before building permits are issued.
- Any gas wells located must be documented and proper paperwork must be submitted to the Engineering Department and the Planning Board regarding proper abandonment before dedication of the subdivision, or lots are sold and building permits are issued.
- A supplement to the EIS shall be prepared detailing the current findings of the gas wells and debris. It shall include how the applicant is processing; regarding completed and proposed soil testing on proposed sub lots 14, 15, 16 and 17 and any necessary mitigation, along with gas well location and documentation of proper capping or mitigation steps.

Supervisor Travers Murphy stated that she and the Building Inspector were out at the Baker Highland Subdivision site a few weeks ago after there were reports of it being a possible farm dump site. There was some indication that some dumping occurred there. The stipulations are to address these issues.

The resolution was unanimously adopted.

New Business #5 Approve Change Order #1 w/Wilsandra Construction for the Jolls Complex

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

WHEREAS, the Engineering Department is requesting the approval of a Change Order to the contract with Wilsandra Construction for the Johnson-Jolls Exterior Renovations Project in the amount of \$4,079.00. If approved, this would increase the total contract amount to \$200,779.00, representing and increase of 2.07%, and

WHEREAS, the Change Order requested is to revise the work under their contract for Johnson-Jolls Exterior Renovations project. During the course of construction, unforeseen conditions have caused various changes to the project. These changes include:

- Modified framing at the cupola roof due to unforeseen original framing.
- Elimination of insulation at the rear addition area due to formerly installed blown-in insulation (credit).
- Replacing the proposed aluminum drip edge with a copper drip edge.
- Repair rotted sills at cupola windows and wrap with aluminum.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Change Order #1 to the Contract with Wilsandra Construction Company, Inc. for Johnson-Jolls Complex Exterior Renovations Project, in the amount of an increase of \$4,079.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #6 Supervisor to Sign Agreement w/Wendel-Duchscherer for Baker Highlands Sub

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

WHEREAS, the developers for the Baker Highlands Subdivision, PIP #2006-03, have applied for a Public Improvement Permit with the intent of starting construction this summer, and

WHEREAS, at the present time, the Engineering Department does not have staff available for construction inspection on this project so the assistance of a consultant engineering firm will be required for that purpose, and

WHEREAS, the Engineering Department is in receipt of a proposal from Wendel Duchscherer Architects & Engineers to provide the services of Mr. Robert Anne for onsite inspection, when required, at a billing rate of \$50.00 per hour which includes expenses, overhead and profit. Mr. Canne has inspected construction work for Wendel-Duchscherer in the past and has proven to be very competent, and

WHEREAS, the Town has received \$36,000 in PIP inspection fees from the developer which should be adequate to cover the costs of the consultant.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an Agreement with Wendel-Duchscherer, 140 John James Audubon parkway, Suite 201, Amherst NY 14228, to provide inspection services on PIP #2006-03 for the construction of the Baker Highland Subdivision, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #7 New Site Plan Approval for 3050 Orchard Park Road/Medical Facility

11) 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 revised site plan for a medical facility located at 3050 Orchard Park Road, Zoned B-2, proposing to move the location of Building "C" from the previously approved location, and to issue a Building Permit for a 2,000 sq. ft. building, contingent on a variance to be granted, as recommended by the Planning Board with the following stipulations;

- This is a Type 2 SEQR Action and therefore no determination of significance is required.
- A landscape completion bond in accordance with the Conservation Board minutes shall be provided for the approved landscape plan, which includes 15% green space.

- Town Engineering was granted on August 9, 2006.
- The site lighting is limited to those fixtures and poles indicated on the approved site plan. Light fixtures shall have flat lens.
- Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with Section 144-25 of the Town Code.
- No outside storage or display is permitted.
- Approval is contingent upon receiving Zoning Board of Appeals approval for a required area variance.

The resolution was unanimously adopted.

New Business #8 James DeMarco, 3538 California Road, Requesting Extension on Building Permit

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

RESOLVED, that the Town Board does hereby approve the request of James DeMarco, 3538 California Road for an additional one-year extension for a building permit he received to expand his business. The authorization was granted on 8/4/04, and the first extension was granted on 8/3/05, as recommended by the Building Inspector.

The resolution was unanimously adopted.

New Business #9 David Young, 3675 Abbott Road, Requesting Landscaping Bond be Returned

13 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 the request of David Young, 3675 Abbott Road: to have his landscape bond returned as he is not moving forward with the Change-in-Use that was granted by the Town Board, as recommended by the Building Inspector.

The resolution was unanimously adopted.

New Business #10 Memorandum of Agreement/Town of Orchard Park & CSEA Local 815

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

WHEREAS, the Town of Orchard Park and the Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO of Erie County Local #815 are parties to a collective bargaining agreement ("CBA") effective for the period from January 1, 2002 through December 31, 2004, and

WHEREAS, CSEA is the duly recognized bargaining representative for all regular, fulltime employees as stipulated in the CBA, Article I, Recognition, for the Town of Orchard Park Blue Collar Unit, and

WHEREAS, the CBA does not address promotions within the job classifications covered by the CBA, and

WHEREAS, the parties are desirous of negotiating this mandatory subject in this Memorandum of Agreement and have agreed to the following terms and conditions.

NOW, THEREFORE, the parties agree as follows:

- If an employee is promoted to a higher job level within the job classifications covered by the CBA, such employee shall be placed at the same step level that the currently holds in the new job title. On the employee's anniversary date with the Employer, he shall move to the next step increase.
- Alleged violations of this Memorandum of Agreement shall be grievable through Article VIII, Grievance and Arbitration, contained in the parties' collective bargaining agreement.
- This Memorandum of Agreement shall become part of the CBA, Article XVIII, Filling Vacancies, 18.04.
- Both sides have been granted the opportunity to consult with their representative(s) regarding the terms of this Memorandum of Agreement and have had the terms of this Memorandum of Agreement explained to them.
- The foregoing constitutes the full Memorandum of Agreement between the parties.

Settlement Agreement between the Town of Orchard Park & CSEA Local 815

WHEREAS, the Town of Orchard Park and the Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO of Erie County Local #815 are parties to a collective bargaining agreement ("CBA") effective for the period from January 1, 2002 through December 31, 2004, and

WHEREAS, CSEA is the duly recognized bargaining representative for all regular, fulltime employees as stipulated in the CBA, Article I, Recognition, for the Town of Orchard Park Blue Collar Unit, and

WHEREAS, CSEA filed a grievance on behalf of Leslie locker on June 26, 2006; the Employer failed to timely respond to the Step 3 written grievance; the grievance was timely processed pursuant to Article VIII, Grievance and Arbitration, contained in the collective bargaining agreement between the parties, by the Union to Step 4 on July 10, 2006, and

WHEREAS, the parties are desirous of resolving this matter without the necessity of protected proceedings and have agreed to the terms and conditions of a settlement;

NOW, THEREFORE, the parties agree as follows:

- Grievant was hired as a laborer on May 31, 2005 at the January 1, 2004 hourly rate of \$17.40 in accordance with Appendix "C" of the collective bargaining agreement. On April 3, 2006 grievant was promoted to the position of truck driver, Job level #2, Step #1, hourly rate of \$17.71 in accordance with the January 1, 2004 salary schedule appearing in Appendix "C" of the collective bargaining agreement. The parties agree that from April 3, 2006 to May 30, 2006 grievant was compensated the correct hourly rate of \$17.71 for the position of truck driver, Job level #2, Step #1.
- Effective may 31, 2006, grievant's anniversary date; grievant should have received a step increase to \$18.44 per hour. Within two pay periods or less, the Employer will compensate grievant for all lost promotional wages; including overtime and premium pay, retroactive to May 31, 2006. As of August 9, 2006, grievant's lost promotional hourly wages amount to \$.73 per hour multiplied by 8 hours per day = \$5.84 per day multiplied by 51 work days + \$297.84. This does not include the calculations for lost overtime and premium pay wages owed to grievant.

- Once the parties have concluded negotiations for a successor agreement and executed a tentative agreement, grievant shall be further compensated, pursuant to negotiated wage increases, for all lost promotional wages, including overtime and premium pay, retroactive to April 3, 2006.
- Alleged violations of this Settlement Agreement shall be grievable through Article VIII, Grievance and Arbitration, contained in the parties' collective bargaining agreement.

The resolution was unanimously adopted.

New Business #11 Resignation from the Recreation Commission

15) 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 accept the resignation of Marissa Babcock from the Recreation Commission, as she will be attending college this fall in Ohio, effective immediately.

The resolution was unanimously adopted.

New Business #12 Appointment to the Recreation Commission

16) 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 appoint Victoria Felser, 26 Greenfield Street, to the Recreation Commission as Youth Representative, effective immediately.

The resolution was unanimously adopted.

New Business #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 KACZOR, TO WIT:

RESOLVED, that the Town Board does hereby refer to the Planning Board and/or Conservation Board the following items listed on the agenda:

- Mr. & Mrs. David Archabald, 5997 Benning Road. Requesting a Conservation Easement for 42.5 acres of land.
- Joseph Ippolito, 3021 Southwestern Boulevard. Requesting a Change-in-Use from a retail store to a Laundromat.
- Proposed 3,360 sq. ft. Bridal Dress Shop for M.A. Carr, vacant lot on North Buffalo Road, in the Town of Orchard Park, Zoned B-3.
- Original Pancake House, 3019 Union Rd., approval for an addition and building renovations.

The resolution was unanimously adopted.

ELECTED OFFICIALS AND DEPARTMENT HEADS

Budget Transfer

18) 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 approve the following budget transfer:

\$5,000.00 **From:** A.7110.0424 Portable Bathrooms
 To: A.7110.0425 Portable Bathrooms

The resolution was unanimously adopted.

Councilman Dietrick stated that the Town Highway Department in conjunction with Erie County assisted the residents on California Road who had recently experienced drainage problems.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the Erie County Stop DWI contract for the years 2005 to 2007 to reimburse the Town for enforcing the New York State DWI laws, as recommended by the Chief of Police.

The resolution was unanimously adopted.

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

WHEREAS, upon request of the Buffalo Bills, and upon recommendations of the Chief of Police, and pursuant to the authority granted by Section 1660-a of the Vehicle Traffic Law of the State of New York

NOW, THEREFORE, be it

ORDERED, that traffic control devices be erected on the grounds, roadways and parking areas of Ralph Wilson Stadium to regulate and control traffic and parking, and be it further

ORDERED, that the Town Attorney is hereby directed to draw this order in its proper form and be it further

ORDERED, that the Buffalo Bills Organization be and is hereby directed to post proper and necessary signs at said locations.

The cost of the traffic control devices will be paid for by the Buffalo Bills organization.

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby receive and file the Highway Superintendent's following two reports: Department of Environmental Conservation Report on the Compost Facility which stated that June 7, 2006 report states the Town should be commended for a well run operation and a very well maintained compost facility, and the Infrastructure report on the Chips Project this year which is on Angle Road between Southwestern Blvd. and Michael Road.

The resolution was unanimously adopted.

Highway Superintendent Fred Piasecki reported on the following: 1) The Highway Department is going to seal and strip the Library parking lot. 2) The Highway Department is also going to do work on the Municipal Building parking lot. 3) Nieman Drive & North Lane updates, and 4) The progress at the Pavilion at Milestrip Road.

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

General Fund	\$151,846.30
Part Town Fund	\$6,867.72
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$72,779.80
Special Districts	4133,293.81
Trust & Agency	\$6,668.22
Capital Fund	\$14,285.09

The resolution was unanimously adopted.

Receive and File Communication & 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 authorize to receive and file the Communications & Reports as entered on the agenda: Time Warner Cable; Notice sent to the Supervisor listing a series of debates and town hall meetings on the local Time Warner Channel. The debates and town hall meetings will be carried on Channel 13. If you are interested in knowing the times and dates, you can pick up a copy of the notice in the Town Clerk's office. The Town of West Seneca: Notice sent to the Town Clerk stating the West Seneca Planning Board will be meeting on Wednesday, August 16, 2006 at 7:30 PM at the Town Hall, 1250 Union Road, to further consider the request for a rezoning and special permit for property located at 1200 Southwestern Boulevard, changing its classification from C-1 to C-2(S), for RV sales & service. The Chief of Police's Monthly Report for July 2006. And, the Highway Superintendent's reports as stated above.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Diane Romanowski – 3547 S. Benzing Road: Mrs. Romanowski stated that she has some serious concerns with Fisher Bus making their headquarters on South Benzing Road. It is proposed that there will be over 100 buses, and over 100 cars on this site. This will directly impact the quality of life of the neighbors on South Benzing with the noise, fumes and traffic. She stated that this street still retains a country atmosphere and the residents on this street like it that way. The Master Plan addresses quality of life; this is not what we would expect from the master plan.

Karen Jacobowski – 3565 S. Benzing Road: Ms. Jacobowski stated that she currently works at the Orchard Park School transportation department and knows how bad the diesel fumes can be. She also stated that Fisher Bus contracts with many schools and that with field trips, sports programs and other leases, the buses will be coming and going from early morning until very late in the evening. That means diesel fumes, heavy traffic and loud noises from morning till night. Ms. Jacobowski questioned the ability of emergency vehicles accessing the street when all the buses are lined up to turn onto Southwestern Blvd, which takes 5 to seven minutes to get out onto.

Alberta Obenhauer – 3565 S. Benzing Road: There have been many accidents at the intersection of S. Benzing and Southwestern Blvd. and this will only get worse if the bus garage goes in. There is an abundance of wildlife on this street that will be gone if there is a bus garage. This is not an industrial area and the street is not that wide. She stated that she already has respiratory problems, and if the bus garage goes up, she will be a prisoner in her own home. It will also decrease the value of their property.

Chris Weyer – 65 Tanglewood Drive: Ms. Weyer thanked Building Inspector Andy Geist, Supervisor Travers Murphy and Judge Pace for forcing the improvements on the vacant building at 26 Tanglewood. She said that the Birdsong nature trails are a little slice of an Audubon trail in WNY, and are absolutely wonderful. Ms. Weyer would like the Town to find out about the power outages in Eagle Heights, which happens on a regular basis, and see if this can be addressed.

Carol Trala – 3658 S. Benzing Road: Mrs. Trala wanted to address the ecology on S. Benzing Road. She stated that where they live on S. Benzing is a little slice of heaven with all the different, wonderful wildlife that inhabit that area. She would like the Town Board to come to S. Benzing and see how lovely it is, as she feels the Fisher Bus project will drive all the animals out of there, and she does not want that to happen.

Councilman Jemiolo informed the people from South Benzing Road that once an application is made to the Town for a specific project, there is a process that must be followed. At this time the Fisher Bus project is in that process. The Town Board will become Lead Agent for the State Environmental Quality Review process and stipulate the areas that need to be addressed in the Environmental Impact Statement (EIF). Once the draft EIF is done, it will be in the Town Clerk's office for review. At that time anyone who wishes to comment on the project will have the opportunity to do so.

Supervisor Travers Murphy said that Mr. Fisher stated he would be available to speak to any of the neighbors on S. Benzing at any time they wish. She also stated that she would keep the residents apprised of any information that comes across her desk regarding this project.

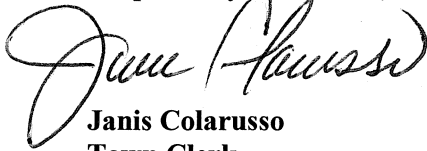
Nick Taneff – 279 Summit Avenue: Mr. Taneff wished to give some input to the Town Master Plan. He stated that, as indicated by Diane Romanowski, that in the Master Plan there is a section about maintaining the existing high quality of life in the community. He would like an addition made to that section regarding code enforcement of those property owners who continually do not maintain their property, and do not comply with the Building Inspector's requests.

Mr. Taneff turned in a petition stating that the residents would like stricter code enforcement, and harsher penalties for non-compliance regarding the care of properties. He also feels that the Building Inspector's office needs more help for code enforcement. Mr. Taneff stated that he has done the leg work researching other Town Codes, now he would like the Town Board to implement it.

Judy Chaplin – 4290 California Road: Thanked the Town for the expeditious work for the four homes that were flooding on California Rd.

There being no further business from the floor, on motion by Councilman Dietrick, and seconded by Councilman Jemiolo, to wit; the meeting was adjourned at 7:59 PM (local time).

Respectfully Submitted,



Janis Colarusso
Town Clerk

