

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 3rd day of September 2008 at 7:00 PM. The meeting was called to order by the Supervisor and there were:

PRESENT AT ROLL CALL: Mary Travers Murphy	Supervisor
Nancy Ackerman	Councilwoman
David Kaczor	Councilman
Mark Dietrick	Councilman
Edward Graber	Councilman
Janis Colarusso	Town Clerk
Leonard Berkowitz	Town Attorney
Andrew Geist	Building Inspector
Andrew Benz	Chief of Police
Frederick Piasecki, Jr.	Highway Superintendent
Wayne Bieler	Town Engineer

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 DIETRICK, TO WIT:

RESOLVED, that the minutes of the Meeting of the Town Board held on August 20, 2008, 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 2008: Amendments to the Town Code Chapter 144, Section 46; Multiple Dwellings and Townhouses and Section 44; Application for Building Permits and Certificates of Occupancy.

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

Town Engineer Bieler gave a brief explanation of the proposal. At this time the Supervisor asked if there was anyone in the audience for or against the designation.

Opponents – No one spoke

Proponents – No one spoke

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

RESOLVED, that the Public Hearing to hear all interested parties for or against the Proposed Local Law for the Year 2008: Amendments to the Town Code Chapter 144, §46 Multiple Dwellings and Townhouses and Chapter 144 §44 Application for Building Permits and Certificates of Occupancy, is hereby closed at 7:10 PM (local time).

The resolution was unanimously adopted.

Adopt Local Law #5 for the Year 2008

3) 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 adoption of Local Law #5 for the Year 2008 which provides for the Proposed Amendments to the Town Code of the Town of Orchard Park: Chapter 144, §46; Multiple Dwellings and Townhouses and §44; Application for Building Permits and Certificates of Occupancy in B, I-1 or D-R Zones, which reads as follows:

(Strikethrough means delete and bold means add.)

Amend Chapter 144, Section 46–Multiple Dwellings and Townhouses, Paragraph C (2) to read as follows: “Circulation system. The interior circulation system shall be adequate. Roads deeded to the Town **and private roads** ~~must shall~~ meet Town Specifications and Standards. Private roads ~~must shall be at least 20 feet~~ **have a minimum asphaltic paved width of 21-feet wide** plus the thirty-inch **Town Standard** concrete gutters on each side.”

Amend Chapter 144, Section 44–Applications for Building Permits and Certificates of Occupancy in B, I-1 or D-R Zones, Paragraph F (4) to read as follows: “Roads, **(public or private)**, pedestrian walks and open space shall be designed as an integral part of the overall site design. They shall be properly related to existing and proposed buildings and appropriately landscaped. **Such roads, public or private, shall meet Town Specifications and Standards except, private roads shall have a minimum asphaltic paved width of 21-feet plus thirty-inch wide Town Standard concrete gutters on each side.**”

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
Councilman Graber	Aye

The resolution was unanimously adopted.

Old Business #1 Appointment of Recreation Commission Secretary

4) 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 appointment of Jenni Carter, resident of the Town of Orchard Park, to the Orchard Park Recreation Department to fill the vacancy of Recreation Commission Secretary, for the remainder of the term, as recommended by the Recreation Director.

The resolution was unanimously adopted.

Old Business #2 Adopt Local Law #6 for the Year 2008

5) 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 authorize the adoption of Local Law #6 for the Year 2008 for the Town Code of the Town of Orchard Park Town Code of Ordinances: *Sidewalk Maintenance & Repair*. (Public Hearing 1/16/08), which reads as follows:

SIDEWALK MAINTENANCE AND REPAIR**1. Purpose.**

The purpose of this Local Law is to promote the maintenance of safe and adequate sidewalks for pedestrian use by regulating the manner of construction, reconstruction, repair, and maintenance of sidewalks and the materials to be used in the grades and widths thereof in the Town of Orchard Park; and to prohibit any construction, reconstruction or repair which does not comply with such regulations and to provide guidelines for assuring the safety of such sidewalks and to delineate the responsibility of the Town of Orchard Park and the property owner.

2. Definitions.

As used in this Local Law, the following terms shall have the meanings indicated:

PROPERTY OWNER OR OWNERS – Anyone who holds title to the premises in fee simple or by life estate or remainder, and also any beneficial owner of the premises such as a contract vendee in possession, who has the duty to pay the taxes on the premises.

SIDEWALK OR SIDEWALKS – Existing sidewalks, those presently under construction, if any, and any future sidewalks constructed after the date of the adoption of this Local Law which abut public highways in fact used by the public.

TOWN - The Town of Orchard Park, New York, 14127.

3. Duties of Owners.

It shall, in all cases, be the duty of the owner of every lot or piece of land in said town to keep the sidewalks adjoining the owner's lot or piece of land in good repair and to remove and clean away all snow and ice and other obstruction from such sidewalks. Failure to do so will result in the costs of any repair done by the Town of Orchard Park to be assessed against the landowner, and further said landowner shall be liable in tort for any injuries to any person or property as a result of the landowner's failure to comply with this Local Law.

4. Standards and Specifications.

Quality of concrete, grade, thickness and width of sidewalks and other standards of construction and installation shall be determined by specifications adopted by the Town and available at the Office of the Town Engineer upon request. Unusual circumstances which may affect installation or cause a deviation from these specifications may be approved on a case-by-case basis after investigation by the Town Engineer.

5. Unsafe sidewalks; Notice to repair; Appeals.

- A. Sidewalks shall be considered to be unsafe if, by determination of the Town Engineer, they are so broken, cracked, lifted, spalled or scaled or otherwise deficient to cause a clear and present danger to pedestrian. Upon such determination, the owner of the property where such sidewalk is located will be notified, in writing, by standard form of the need to repair to replace the sidewalk in question. Such notice shall specify the sidewalk or portions thereof which require repair or replacement and contain a brief summary of the reasons therefore.

Such notice shall be served upon such owner by personal service or by certified mail, return receipt requested, addressed to the last known address as shown on the latest completed assessment roll of the Town of Orchard Park. If delivery of the certified mail is returned or unclaimed, then service shall be made by regular mail and shall be deemed complete five days after the date of mailing. The cost of such repair or replacement will be borne by the property owner.

- B. Upon delivery of the written notice, the property owner shall make every attempt to correct the deficiency noted within a reasonable time after delivery of the notice; in no event shall more than one year elapse between the delivery of the written notice and correction of the deficient or unsafe sidewalk.
- C. If, within said one year period, the sidewalks required to be repaired shall not have been repaired, then the Town Board may cause the same to be done at the expense of the property owner. If said expense, as determined by the Town, is not paid within thirty days after billing the property owner, such a charge shall be a lien upon the property benefited until paid and shall be added to the property owner's tax bill as an assessment as set forth in this article.
- D. Any property owner aggrieved by a determination to repair the sidewalk or any portion thereof as contained in the written notification of the same shall have a right to appeal such determination to the Town Board by delivering a written request for review of the determination to the Clerk within sixty days of delivery of said notification, which the Town Clerk shall thereupon transmit to the Town Board. Upon receipt of a timely request for review, the Town Board shall refer the matter to a person whom it shall designate for the purpose of hearing all evidence and arguments both against and in support of such determination. For this purpose, the person designated by the Town Board shall schedule a time and place for such a hearing and shall give or cause to be given adequate notice thereof to the property owner and to the Town Engineer. On such hearing, the formal rules of evidence shall not apply. Upon conclusion of such hearing, the person designated shall prepare and transmit to the Town Board a recommended decision based upon the evidence and the arguments presented, either annulling, modifying or affirming the determination of the Town Engineer, together with a summary of the reasons therefore. Upon receipt of such recommended decision, the Town Board shall take the matter up at the next regularly scheduled Town Board meeting and shall accept, reject or modify said recommended decision. The determination of the Town Board so made shall be deemed final and binding upon the property owner and the Town Engineer.

6. Removal of sidewalk rubble.

The Town of Orchard Park shall dispose of the rubble from the replacement of sidewalks within the right-of-way, provided that the said rubble is placed at the curb or road edge.

7. Noncompliance.

- A. Owners of premises in the Town of Orchard Park, subject to this Local Law, must comply therewith and with any regulations, specifications and any order passed by the Town Board of the Town of Orchard Park pursuant to Town Law §§200-a and 130, Subdivision 4. In the event that owner or occupant, as the case may be, fails to comply with this Local Law, the Sections of the Town Law set forth above, any regulations passed by the Town Board or the specifications or any orders of the Town Board pursuant thereto, the Town may cause the construction, reconstruction, repair or removal of the obstructions to be accomplished and audit and pay the expense of doing the same. If the owner or occupant in question does not reimburse the Town, the Town shall assess the expense thereof against the property benefited as a whole, in any five or fewer annual installments, in the same manner as street improvements constructed pursuant to the Town Law §200, and in accordance with the Town Law §200-a
- B. If such expense is assessed in installments, there shall be assessed as part of such installment, except the first, as interest, an amount of six percent (6%) of such installments.
- C. If such expense is assessed as a whole and the Town Board resolution assessing such expense against a particular piece of property shall so provide, the assessment against such property may be paid in five or fewer annual installments on the date fixed by such resolution with interest at the rate of six percent (6%).

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
Councilman Graber	Aye

The resolution was unanimously adopted.

New Business #1 Appointments to the 2008 Fall/Winter Staff for the Recreation Department

6) 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 following appointments to the Fall/Winter Staff at the Orchard Park Recreations Department, dependent upon the applicant providing the required certifications, as recommended by the Recreation Director.

Name	Address	Position	Rate
Melinda Alico	Town of Orchard Park	PT2-D	\$9.00
Nicole Alico	Town of Orchard Park	PT2-D	\$9.00
Jarryd Austin	City of Buffalo	PT2-B	\$9.50
Denise Banasiak	Town of Orchard Park	PT2-B	\$9.00
Ashley Bonetto	Town of Orchard Park	PT2-D	\$9.50
Toby Burns	Town of Orchard Park	PT6-D	\$15.00
Kelly Burt	Town of Orchard Park	PT1-C	\$8.00
Alice Buskus	Town of Orchard Park	PT1-C	\$8.00
Jenni Capriotto	Town of Orchard Park	PT1-C	\$8.50
Jenni Carter	Town of Orchard Park	PT6-D	\$15.00
Jessica Carter	Town of Orchard Park	PT1-C	\$8.00
Karin Freyer	Town of Orchard Park	PT1-E	\$8.50
Chelsea Hojnacki	Town of Hamburg	PT1-E	\$8.50
Emily Horn	Town of Orchard Park	PT1-C	\$8.00
Matt Horn	Town of Orchard Park	PT1-E	\$8.50
Liz Imbirowicz	Town of Clarence	PT1-E	\$8.50
Logan Jensen	Town of Orchard Park	PT1-C	\$8.00
Katherine Kempa	Town of Orchard Park	PT2-B	\$9.50
Matt Kielich	Town of Orchard Park	PT2-B	\$9.50
Flo Kirkner	Town of Orchard Park	PT3-E	\$11.00
Matt Kordruple	Town of Orchard Park	PT2-D	\$9.00
Claire Lewandowski	Village of Derby	PT2-D	\$9.00
Jackie Lex	Town of Orchard Park	PT1-E	\$8.50
Sean Maclean	Village of Derby	PT1-C	\$8.00
Giana Mulville	Town of Orchard Park	PT2-B	\$9.50
Rebekah Ross	Town of Orchard Park	PT1-C	\$8.00
Timothy Swyers	Town of Orchard Park	PT2-D	\$9.50
Samantha Taylor	Town of Wilson	PT1-E	\$8.50
John Vinti	Town of Orchard Park	PT1-E	\$8.50
Danielle Watson	Town of Orchard Park	PT1-C	\$8.00
Kim Wilder	Town of Orchard Park	PT2-B	\$9.50

Sarah Yates	Town of Orchard Park	PT1-E	\$8.50
Jon Zelasko	Town of Orchard Park	PT2-D	\$9.00

The resolution was unanimously adopted.

New Business #2 Authorize Recreation Director to attend 2008 NYS Annual Recreation Conference

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 authorize the Recreation Director, Ed Leak, to attend the 2008 New York State Association of Health, Physical Education & Recreation Annual Conference November 19-22, 2008, at the Turning Stone Conference Center. Expenses have been appropriated in the 2008 budget to cover the cost and not to exceed \$750.00.

The resolution was unanimously adopted.

New Business #3 Proclamation for National Childhood Cancer Awareness Month for Year 2008

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

WHEREAS, childhood cancer is the number one disease killer and second leading cause of death (exceeded only by accidents) of children, and

WHEREAS, on any given school day approximately 46 young people, or two classrooms of students, are diagnosed with cancer, and

WHEREAS, every year, more than 12,500 children are diagnosed with cancer, and

WHEREAS, one in every 330 persons in the United States will develop cancer before his or her 20th birthday, and

WHEREAS, every year over 2,500 children under the age of 20 lose their lives to cancer, and

WHEREAS, our children are our most precious resource and are truly golden in our hearts

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby proclaim September 2008 as National Childhood Cancer Awareness Month in Orchard Park for the Year 2008.

The resolution was unanimously adopted.

New Business #4 Approve Change Order #1 to Contract with Fairway Contracting

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

WHEREAS, the Engineering Department is requesting approval of a Change Order to the contract with Fairway Contracting for the 2007 Utility Improvements Project in the amount not to exceed \$4,000.00. If approved, this would increase the total contract amount to \$294,000.00, representing an increase of

1.37%, and this Change Order is requested to perform additional work not covered under their contract, and

WHEREAS, the additional work involves the abandonment of the Village waterline connection at Bank Street instead of the original planned abandon at the Town connection on the Village waterline at the Yates Park property line. As part of the easement agreement with the Village, it was agreed at the Town Board Work Session to abandon the line at Bank Street. This work will involve extra labor and materials including reconfiguring the existing pipe, replacing the hydrant and shoulder restoration, not part of the original plan. Fairway's lump sum estimate is \$4,702.00. The Village of Orchard Park has agreed to provide the hydrant & valve which is not reflected in this estimate, and

WHEREAS, per the Town Board, the maximum to be expended is \$4,000.00 and there are some unknowns which is why the contractor estimate high. Andy Slotman of the Village of Orchard Park, per the Town/Village agreement, will supply additional materials to hold the Town's cost to \$4,000.00.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the Change Order #1 to the Contract with Fairway Contracting, PO Box 352, Orchard Park New York 14127, for the 2007 Utility Improvements Project Highway Garage Utility Improvements, Compost Waterline Extension & Hydrant and Yates Park Waterline on a time & material basis in the amount not to exceed an increase of \$4,000.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #5 Approve Final Change Order Release of Retention to Lackawanna Electric

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

WHEREAS, the Electrical Construction work on the Orchard Park Police Department – Interior Renovations Project has been completed. A final inspection was conducted for the entire project and all of the work has since been satisfactorily completed in accordance with the contract documents and specifications, and the final total contract was \$13,392.77, and

WHEREAS, the Affidavit of Release of Liens, Affidavit of Subcontractor Payment, warranties, equipment manuals, and necessary legal documents have been submitted in lieu of a three-year maintenance bond. Due to the small contract amount, the contractor has requested we hold the contract retention in the amount of \$669.64 for the remaining time of the two-year maintenance period, or until a bond is submitted.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the project closeout and the release of the performance security to Lackawanna Electric, 3021 Baker Road, Orchard Park, New York 14127 for the Orchard Park Police Department – Interior Renovations Project – Electrical Contract, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #6 Approve 2008 Commercial Parking Permits

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

RESOLVED, that the Town Board does hereby approve the following Commercial Parking Application(s), as recommended by the Building Inspector: *Michael & Karen Todd; Diane Augustine; Veronica Benes; Kevin Bieler; Giancarlo & Roberta Bruni; Agustin Carducci; Thomas Carrow; Zachary Clark; Frank & Victoria Corsi; Dan DeMarco; Joe & Diane DeMarco; Kenneth Doeing; Sean Hanley; Sue & Patrick Kane; Ray & Sue Kowalski; Mark Lietzan; Victor Liberatore; John Mariano; Lisa Matwijow; Deborah McDonell; Milligan's; Niagara Frontier Recovery; Dennis Przybyl; Quaker Boy; Red Carpet Inn; Dave Simoncelli; Scott & Linda Smith; Stadium Mobil; Tailgaters Bar & Grill; David Tempestoso; Patrick Sullivan; Stephen Tripodi; Twin Oak Motel; Lee Wannemacher; Henry Whytas; Windom Community Church; Joseph Yemma; Ron & Paul Yoviene.*

Councilman Dietrick stated that this process needs to be reviewed after the Buffalo Bills season.

The resolution was unanimously adopted.

New Business #7 Refer to the Public Safety Committee

12) 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 the request of residents on Bieler Road for a "No Parking" sign due to vehicles on the road that obstruct the view of traffic, to the Public Safety Committee.

The resolution was unanimously adopted.

Business from the Floor

Rosemary Sheehan – She gave a list of concerns against the proposed Creekview Senior Community Rental Project on Milestrip Road that would negatively affect the Town and Village of Orchard Park. She asked the Town Board to vote against this project. (Statement submitted)

Bernice Doman – She stated that she lives across from the proposed Creekview Senior Community Project and has attended two meetings held by the Seneca Creek Group at the Municipal Building. She has many questions regarding the Milestrip Road residents and this project. (Statement submitted)

Kathy Gorkiewicz – She discussed and supported the Niagara Frontier Transit Authority's plan for a bus stop at Quaker Crossing this fall and stated that there should be a pedestrian phase and crosswalks for shoppers and workers in the event Wal-Mart does locate across from Quaker Crossing. (Statement submitted)

Clay Spiedel – He agreed with the previous speakers and is against the proposed project on Milestrip Road and stated he is not against building, but it should be quality homes for senior citizens and not unattractive and cramped without green space.

John MacDonald – He stated that he is opposed to the proposed senior community project.

Louis Boehm – He is against proposed senior housing proposal. He also referenced Kevin Gaughan's proposal to reduce town and state representation and the Wal-Mart issue. (Statement submitted)

Marsha Kochan – She spoke about the new Tim Horton's location on Southwestern Blvd. and the traffic and congestion problems associated with it. She asked the Town Board to consider the safety of the residents when approving new businesses in regard to traffic.

Elected Officials & Department Heads

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

RESOLVED, that the Town Board does hereby authorize the following budget transfers within the Town Highway Superintendent's Office:

\$5,000	From: A.7110.0102	Field Maintenance
	To: A.7110.0149	Parks-Part-time Laborers
\$5,000	From: A.7110.0217	Parks Tennis Courts
	To: A.7110.0149	Parks-Part-time Laborers
\$5,686	From: DA 5110.0474	Culvert Pipe
	To: DA.5110.0440	Equipment Rentals
\$8,000	From: DA.5110.0473	Ready Mix
	To: DA.5110.0472	Stone & Road
\$12,327	From: DA.5110.0474	Culvert Pipe
	To: DA.5110.0472	Stone & Road

The resolution was unanimously adopted.

Supervisor Travers Murphy stated that in response to Ms. Gorkiewicz's question on the NFTA bus route to Quaker Crossing, the Town Board had just received the letter from them on Friday for the possibly of fifteen bus trips a day. The NFTA stated that if the Town would install a pad, they would build a bus shelter. The Town Board will discuss this at the next work session to insure the safety of the worker force and shoppers at the Quaker Crossing Plaza.

Councilwoman Ackerman discussed the completion of the statue made by Michael Hamby, of a farmer with his draft horse, titled *Breaking Ground* to be placed on the gifted land across from the Library. This land was gifted to the Town by Scott McFarland in the late 1980's, for a green space with no conditions, stipulations or restrictions. Mr. McFarland was involved with the development and ideas for the park. The Architects, Grever and Ward, designed a seating area, which was never completed for this space, due to lack of funding. With the approach of the millennium, Supervisor Cudney organized the Millennium Committee to come up with ideas for the park. With the new road reconstruction for Buffalo Road, the Town was able to use the bricks pavers from the road as far back as the 1920's. These bricks were cleaned and available for purchase and engraved with names as historic memorials in the walkway. A rock with a plaque of the benefactor and two benches were also placed in the park. Michael Hamby, a world renowned artist and former Buffalo Bill who lives in Orchard Park, wanted to do something for Orchard Park to celebrate its history. Another committee was formed and the statue was completely funded by 23 private individuals within the community. This was originally promoted and proposed to be featured at McFarland Green. Other areas were considered after the family members of the benefactor were opposed to that site. The contributors of the statue still want it to be placed at the originally planed site. Therefore, Councilwoman Ackerman proposed that in the spirit of cooperation she would like to make a motion to place the statue at McFarland Green, to be dedicated in October of 2008.

14) 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 authorize the placement of the statue by Michael Hamby, *Breaking Ground* at McFarland Green in October of 2008.

Councilman Graber asked if Scott McFarland was involved in the plan. Councilwoman Ackerman stated he was involved in every aspect of the park. She stated that there would actually be much less development than the original plan had called for. Councilman Dietrick stated he felt it was appropriate.

The resolution was unanimously adopted.

Councilman Graber thanked Police Chief Benz and the Orchard Park Police Department, J. Mills Distributing and Arthur's Hardware for the support for the Nativity Century Run.

Councilman Dietrick read e-mail correspondence from Janet and Charles Saxe in opposition to Creekview of Orchard Park Senior Community. He also read a letter from Attea & Attea regarding the Smokes Creek Estates on 7295 Jewett Holmwood Road for the possible use as a public stable. Councilman Dietrick in response to Mr. Boehm's comment, stating that Wal-Mart has much more work to accomplish before he renders a decision.

Highway Superintendent Piasecki reported that Selective Insurance inspected the Town Parks which are in compliance and received an excellent review. He reported that the Oakwood Avenue reconstruction was completed and thanked the residents for their cooperation.

Town Engineer Bieler thanked the Buffalo Bills Organization for accommodating the Town and residents by letting them use their parking lots when necessary during the Oakwood Road reconstruction project.

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

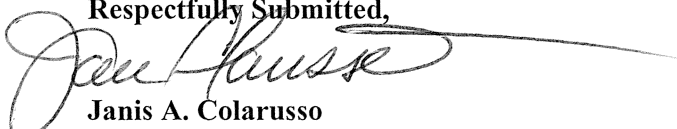
RESOLVED, that the Town Board does hereby authorize the approval of all entries on Warrant #17 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$215,170.68
Part Town Fund	\$6,621.99
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$154,455.05
Special Districts	\$26,880.64
Trust & Agency	\$12,144.05
Capital Fund	\$71,384.90

The resolution was unanimously adopted.

There being no further business, on motion by Supervisor Travers Murphy, seconded by Councilwoman Ackerman, to wit, the meeting was adjourned at 7:59 PM (local time).

Respectfully Submitted,



Janis A. Colarusso
Town Clerk