

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 7th day of September 2005 at 7:00 P.M., (local time). The meeting was called to order by the Councilman Jemiolo and there were:

PRESENT AT ROLL CALL:	Nancy W. Ackerman	Councilwoman
	Stanley A. Jemiolo, Jr.	Councilman
	David R. Kaczor	Councilman
	John J. Mills	Councilman
	Janis A. 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
ABSENT:	Toni M. Cudney	Supervisor

Supervisor Cudney was absent this evening, so at this time Councilman Jemiolo 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 KACZOR, TO WIT:

RESOLVED, that the minutes of the Town Board Meeting held on August 3rd, 2005, 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, the advertised time, Councilman Jemiolo called for the Public Hearing to hear all interested persons for or against Proposed Amendment to the Town Code of the Town of Orchard Park to Section 97-10, which amendment reads as follows:

Section 97-10: Entitled "Dogs To Be Leashed" is hereby repealed. The following section is hereby substituted for the repealed Section 97-10: **Section 97-10 Dogs**

- a) No person shall bring any dog into any Town Park, playground or recreational area unless the same is on a leash of not over 6' in length and kept on a leash while in said park, playground or recreation area.
- b) Dogs shall be prohibited in all areas so designated by Resolution of the Orchard Park Town Board.
- c) The individual who brings any dog into a Town Park shall be responsible to remove waste created by that dog.

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.

Councilman Jemiolo stated the Town Board received a communication in opposition from: Jerry Henning, Highway Crew Chief of Parks in the Town of Orchard Park.

At this time Councilman Jemiolo opened the Public Hearing to hear all interested persons for or against the Proposed Special Exception Use.

Opponents: No one spoke

Proponents: Anne Bergantz, 320 Stonehenge Drive
Kathleen Dahmer, 53 Melberry Trail
Irene Seitz, 106 Elmhurst Drive – Agrees with restrictions.
Bruce Roach, 4 Kings Ct.- Agrees with restrictions in the playground and playing field areas.
Mary Beth Demeter, 125 Hillside Drive
Dwight Mateer, 36 Hobby Lane

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

RESOLVED, that the Public Hearing in the matter of the Proposed Amendment to the Town Code of the Town of Orchard Park Ordinance § 97-10 Entitled – Dogs, is hereby closed at 7:11 PM, (local time).

The following resolution was unanimously adopted.

Councilman Jemiolo thanked everyone who spoke at the Public Hearing for the Proposed Amendment and stated that the Town Board would not take any action this evening. A decision will be made at the next Town Board Meeting.

Old Business #1 Quaker Crossing East – Town Board to Accept FEIS with Findings under SEQRA

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

WHEREAS, the Town of Orchard Park Town Board, New York is lead agency under SEQRA for the review of the Project; and,

WHEREAS, the Applicant has requested that the Draft Environmental Impact Statement be finally accepted as the Final Environmental Impact Statement; and,

WHEREAS, on August 8, 2005, the period for public comment was closed, with no comments being received; and,

WHEREAS, the Town Attorney has reviewed the proposed FEIS for completeness and accuracy and has advised the members of the Town Board of his conclusions and the Town Board has reasonably relied upon his expertise;

NOW, THEREFORE BE IT

RESOLVED, that the Town Board determines that the proposed Final Environmental Impact Statement for the Project is adequate and accurate, and should be accepted as the FEIS for the Project pursuant to Article 8, State Environmental Quality Review Act of the Environmental Conservation Law, and be it further

RESOLVED that the notice of completion of Final Environmental Impact Statement under the provisions of SEQRA for the Project be filed and circulated in accordance with the requirements of 6 NYCRR Part 617.12 of the State Environmental Quality Review Act.

The resolution was unanimously adopted.

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

WHEREAS, The Town of Orchard Park Town Board ("Town Board") has received a joint application for rezoning a 16.04 acre parcel of land located in the Town of Orchard Park, bounded by Milestrip Road, North Benzing Road, Amelia Drive and Amanda Lane from the current zoning classification of I-1 to B-1 in order to construct a retail plaza for Quaker Crossing, Phase II ("Project") from Quaker Crossing LLC and Wellsville Carpet Town ("Applicant"), and

WHEREAS, The Town Board declared itself to be lead agency ("Lead Agency") for the environmental review of the project under the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Lead Agency, in consultation with the Town of Orchard Park Planning Board ("Planning Board"), identified the relevant areas of environmental concern, determined that certain aspects of the Project may have an adverse impact on the environment, and issued a positive declaration for the Project on March 16, 2005, thereby requiring the Applicant to prepare a Draft Environmental Impact Statement ("DEIS") for the Project; and

WHEREAS, on or about July 7, 2005, a DEIS was submitted by the Applicant and accepted by the Lead Agency as adequate with respect to its scope and content for the purpose of commencing public review; and

WHEREAS, the public review period with respect to the DEIS was closed on August 8, 2005. No public comments were received; and

WHEREAS, the Lead Agency has determined to accept the DEIS as the Final Environmental Impact Statement ("FEIS"); and

WHEREAS, the Lead Agency has determined, after the requisite "Hard Look", that the FEIS is an adequate examination of all potentially significant adverse environmental impacts that would result if the Town Board were to approve the re-zoning application and the site plan if the Project was built in reasonable conformity to same, subject to any on-site modifications deemed necessary to complete the Project, and, in particular, the Lead Agency notes that the DEIS and FEIS contain a careful and complete analysis of several issues that have been raised by the Planning Board and the Town Board as matters of concern to them, that is the traffic, loss of I-1 property, and police and fire manpower capabilities wetlands impacts of the proposed Project; and

WHEREAS, the Lead Agency recognizes that qualified experts on any topic may differ in their analyses and their conclusions on the same question, and the Lead Agency has received traffic impact analyses from experts retained by the Applicant, and has also received comments from the Police Chief and the Fire Chief, and after careful consideration of all relevant documentation and comments, the Lead Agency believes it has more than adequate information to use as a basis to evaluate all of the benefits and potential impacts of the Project and to consider the requested re-zoning; and

WHEREAS, the Lead Agency has carefully considered the FEIS and Findings, and determined that none of them raised any substantive environmental issues or concerns; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Orchard Park, as lead agency, makes the following Findings:

SEQRA FINDINGS

Description of the Action.

The proposed Action includes the following: a joint application for rezoning a 16.04 acre parcel of land located in the Town of Orchard Park, bounded by Milestrip Road, North Benzing Road, Amelia Drive and Amanda Lane from the current zoning classification of I-1 to B-1 in order to construct a retail plaza for Quaker Crossing, Phase II.

Lead Agency Jurisdiction.

The Town Board is the lead agency for the proposed action. The Town Board is an involved agency with authority to act as lead agency for the action because the Applicant must obtain site plan approval, approval of plans for roadway, utility and drainage facilities from the Town.

Project Location.

The Project is situated on a 16.04 acre parcel of land located in the Town of Orchard Park, bounded by Milestrip Road, North Benzing Road, Amelia Drive and Amanda Lane.

Introduction

1. The Town of Orchard Park, as Lead Agency, has carefully and thoroughly reviewed the potential environmental impacts resulting from the Project.
2. The Lead Agency, in consultation with the Planning Board, identified the relevant areas of environmental concern, determined that certain aspects of the Project may have an adverse impact on the environment, and issued a positive declaration for the Project on March 16, 2005, thereby requiring the Applicant to prepare a Draft Environmental Impact Statement ("DEIS") for the Project. The SEQRA process is intended to identify the potential adverse environmental impacts of a project, assess those potential impacts, identify mitigation for any such impacts to the extent practicable, address all issues raised by the public, and weigh and balance the environmental impacts of the Project with social, economic and other considerations.
3. On or about July 7, 2005, a DEIS was submitted by the Applicant and accepted by the Lead Agency as adequate with respect to its scope and content for the purpose of commencing public review.

4. The public review period with respect to the DEIS was closed on August 8, 2005. No public comments were received.
5. The Lead Agency has determined to accept the DEIS as the Final Environmental Impact Statement ("FEIS").

Environmental Impacts and Mitigation Measures.

Land Use and Zoning.

1. The Lead Agency finds that the change of zoning from I-1 to B-1 will not have a significant impact. The property has been marketed as I-1 property for a number of years. No interest has been shown by any prospective purchaser to use the land as I-1.
2. The property will be developed in conjunction with Phase I of the Quaker Crossing Retail Center, which continues to be a Class 1 retail development that has brought significant new and desirable commercial development into the Town, which has created jobs, shopping alternatives, entertainment alternatives as well as significant and much needed tax revenue. Continued development of the surrounding area will continue to enhance the commercial retail viability of the existing development and will continue to increase the generation of much needed jobs, shopping alternatives, entertainment alternatives and tax revenue. The area is being developed consistent with the initial concept plan that was submitted by Quaker Crossing, LLC for the development of its lands, which required the development of over three and one-half million dollars of roadway and traffic improvements paid for by Quaker Crossing, LLC. The road system has substantially reduced the amount of commercial and industrial truck traffic on Lake Avenue, which has been a major benefit to the Town.

Traffic.

3. The roads that will be principally affected by the Project are roads that were designed and enhanced to handle a high volume of traffic. The Traffic Study concluded that the levels of traffic would remain well within normal ranges with the addition of traffic from the proposed Project. As the Project matures, there may be a need to turn back on the traffic signal at Lake Avenue and Benzing Road. The traffic signal had been installed at Quaker Crossing, LLC's expense but was turned off once it was determined that there was no sufficient traffic at the intersection to merit its use. As such, the Lead Agency finds that the Project will not create a significant traffic impact.

Police and Fire Resources

4. Based upon the letter response received from the Chief of the Orchard Park Fire District, the Lead Agency finds that the Project will not have a significant adverse impact on fire resources.
5. Based upon the letter response received from the Chief of the Orchard Park Police Department, the Lead Agency finds that the Project will not have a significant adverse impact on fire resources. Although there may be an increase in service calls once the Project is fully built-out, the cost of such services will be offset by the substantial increase in tax revenues.

Mitigation Measures.

6. To minimize the potential for delays at the intersection of Benzing Road and Lake Avenue, the traffic signal may be required to be turned on at some time in the future.

Conclusion.

7. The Lead Agency has been actively involved in the consideration and evaluation of the proposed Project. The Lead Agency has carefully reviewed and assessed all information if determined was relevant and concludes that the Project as currently proposed avoids or minimizes significant adverse impacts to the maximum extent. The Project Site has long been contemplated for commercial development.

8. Having considered the Draft and Final Environmental Impact Statements for the Project, and the proposed application materials, supplemental submissions and public comments, the Town Board, as SEQRA lead agency, certifies that:

- It has considered the relevant environmental impacts, facts and conclusions disclosed in the DEIS and FEIS;
- It has weighed and balanced the relevant environmental impacts with social, economic and other considerations;
- The requirements of 6 NYCRR Part 617 have been met;
- Consistent with the social economic and other essential considerations, from among the reasonable alternatives available, the action to be carried out minimizes or avoids, to the maximum extent practicable, adverse environmental impacts disclosed in the Draft and Final Environmental Impact Statements; and
- Consistent with the social, economic and other essential considerations, adverse environmental impacts revealed in the Draft and Final Environmental Impact Statements will be minimized or avoided to the maximum extent practicable by incorporating as condition to the decision, those mitigating measures which were identified as practicable in the course of this Findings Statement.

The resolution was unanimously adopted.

Old Business #2 Deny the Petition for a Special Exception Use for a Small Gun Sale Business

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

WHEREAS, a Public Hearing was held on August 17, 2005 with regard to the application of David Smith, 15 Errington Terrace, for a Special Exception Use Permit for a Home Occupation in an R-3 Zone to operate a small gun business out of the above referenced premises.

NOW, THEREFORE, be it

RESOLVED, that the request for the Special Exception Use Permit is hereby denied due to the following reasons:

- The proposal is inconsistent with the long range Comprehensive Plan of the Town of Orchard Park.
- The applicant has not demonstrated a need for the project.
- The project is not compatible with adjoining land uses and proposed development, and will have a negative impact on the adjacent land value and public safety.
- The health and safety of adjacent properties will be adversely affected.

The resolution was unanimously adopted.

Councilman Mills stated that the Town Board needs to revise the Home Occupation Ordinance for the Town. All the Town Council members were in agreement.

Old Business #3 Approval of Final Written Scoping for CRS Environmental Impact Statement

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

RESOLVED, that the Town Board of the Town of Orchard Park, as Lead Agency to 12 +/- acres of land located on Milestrip Road (With regard to the Final Written Scoping Document for the Draft Environmental Impact Statement for the request to amend the Zoning Classification from R-3 to Senior Residential for the purpose of constructing a 119 unit affordable senior housing community) does hereby determines that the following impacts shall be addressed in a draft Environmental Impact Statement:

- Impact of the project on existing traffic in the area
- Impact of the project on existing wetlands and possible flood plain
- Impact of the project on public/emergency services, as well as public safety
- Impact of project aesthetics and buffering on the neighboring residences
- Impact of noise and lighting from this project
- Impact of emergency access to the project site on its residents
- Impact of costs associated with the proposed roadway on the Town
- Impact of possible archeological findings on the site
- Impact of the project on existing ravines and waterways
- Impact of the project on existing wildlife habitat
- Impact of the project on the character of the neighborhood
- Impact of the project on Town, county, school, state and federal taxes
- Impact of senior apartments vs. single-family homes on all taxes
- Impact of the project on existing water and sewer lines, as well as public utilities
- Impact of the project on possible erosion of Smokes Creek banks during heavy rain, as well as on existing slopes
- Impact of storm water detention and runoff
- Impact of the project on hunting and fishing opportunities
- Impact of building the project on property currently used as open space and passive recreation land by neighboring residents
- Impact of the proposed parking lot on storm water runoff
- Impact of the project as it relates to the loss of mature trees
- Impact of the project on the Town of Orchard Park's Comprehensive Plan
- Impact of the project on air quality and water quality
- Impact of the project on the values of surrounding properties
- Impact on those senior citizens who will eventually occupy the premises and their ability to secure transportation from the premises
- Impact on schools
- Impact on snow removal
- Impact of the project on population density in the surrounding area
- Analysis of the need for the project, including a cost-benefit analysis
- Impact of the construction of the proposed bridge on traffic on Milestrip Road

The resolution was unanimously adopted.

Old Business #4 Award the Contract for the Allen Street Reconstruction Project

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

WHEREAS, the bids for the Allen Street Reconstruction Project were opened on September 1, 2005, and

WHEREAS, the project was bid on a unit price basis for the associated work items and the Engineering Department has reviewed the itemized prices of the six contractors who submitted bids. One mathematical error was discovered which altered the total bid of one firm, but this did not affect the low bidder, or ranking of the bidders. The lowest base bid of \$313,800.00 was below the engineer's estimate of \$329,000.00 for the project, and

WHEREAS, the low bidder for this project was Diamond "D" Construction Corp who has been found to have the qualifications and experience to perform this work adequately, and

WHEREAS, this project is being partially funded through Community Development Block Grant Funds in the amount of \$90,000.00, with additional funding required. Capital project #H-74 will require \$225,000.00 transferred from Road Reconstruction Reserve to complete the project per Drescher & Malecki, LLP,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the establishment of an additional Capital Project #H-74 Pilger, Fay Glen, Allen and Oakwood Reconstruction and transfer \$225,000.00 from #H-58 Road Reconstruction Reserve, and be it further

RESOLVED, that the Town Board does hereby award the contract for the Allen Street Reconstruction Project to the lowest responsible bidder, Diamond "D" Construction Corporation, 5270 Transit Road, Depew NY 14043, in the amount of \$313,800.00.

The resolution was unanimously adopted.

Old Business #5 Award the Contract for the Birdsong Park Nature Trails Project

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

WHEREAS, bids were opened for the Birdsong Nature Trails Project on September 1, 2005, and

WHEREAS, the project was bid both with a base bid and five alternate bids, which would give options for various trail widths and surfaces, and

WHEREAS, the Engineering Department and the Town's Consultant Engineer, Marquis Engineering, PC, have reviewed the prices of the four contractors who submitted bids, the lowest base bid of \$304,100.00 was below the engineer's estimate of \$307,210.00, the low bidder was also below the engineer's estimate of \$52,582.50 for Alternate A1.3 with a bid of \$47,025.00. This alternate will provide a 2,850 linear foot, 8' wide blacktop trail in the existing open Birdsong Parkland and complete the project as planned, and

WHEREAS, the low bidder for this project was Birch Grove Landscaping, the company has been found to have the qualifications and experience to perform this work adequately, and

WHEREAS, the Town Engineer has had conversations with officials of the Army Corps of Engineering indicating that the required permit for construction will be issued in about two weeks

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby award the contract for the Birdsong Park Nature Trails Project to the lowest responsible bidder, Birch Grove Landscaping, 117 Bear Road, Cowlesville, New York, in the amount of \$351,125.00, which includes alternate A1.3.

The following resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby authorize the transfer of additional funds to Capital Project #H-23, Birdsong Park Nature Preserve in the amount of \$10,000.00 from T0037 "Parkland Deposit/Recreation", which has a balance of \$58,938.00, to date.

The resolution was unanimously adopted.

New Business #1 - Ryan Homes requested to place a temporary sign, which meets all town code requirements, at the entrance of Hill Towne Park community, which is Town owned property. The sign is being used for informational purposes. At this time the Town Board tabled this request.

New Business #2 Authorize the Approval of 44 – 2005 Commercial Parking Permits

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

RESOLVED, that the Town Board does hereby authorize the approval of the following forty-four (44) - 2005 Commercial Parking Permits that have been pre-filed in the Town Clerks Office on August 31, 2005, as recommended by the Building Inspector and Chief of Police: Augustine, Diane – 3968 Southwestern Boulevard; Benes, Rudolf – 3742 Southwestern Boulevard; Booth, June – 5229 W. Webster Road; Brown, Sally Jane – 5222 W. Webster Road; Carducci, Augustin – 3923 Southwestern Boulevard; Carrow, Thomas – 4143 Abbott Road; Daurelio, Nicholas – 3879 Southwestern Boulevard; DeMarco, Daniel – 4270 Abbott Road; Doering, Kenneth – 3920 Southwestern Boulevard; Gao, Yanping – 5100 Big Tree Road; Gugliuzza, Johanna, 4180 Abbott Road; Hanley, Sean – 3944 California Road; Kam, Thomas & Paul – 3775 Southwestern Boulevard; Kane, Sue & Patrick – 3952 Southwestern Boulevard; Kowalski, Ray & Sue – 3972 Southwestern Boulevard; Leitzan, Mark – 3830 Sheldon Road and 3808 & 3816 Abbott Road; Lewis, Dana – 5554 Webster Road; Liberatore, Victor – 3807 Southwestern Boulevard; Maple Court Motel – 3940 Southwestern Boulevard; Matwijow, Lisa – 4170 Abbott Road; McDonell, Deborah – 3904 Abbott Road; Milligans – 3864 & 3892 Abbott Road; Morrison, Donna – 3946 Southwestern Boulevard; On the Go Convenience – 3975 Southwestern Boulevard; Przybl, Dennis – 3976 Southwestern Boulevard; Quaker Boy – 5455 Webster Road; Savannah's South – 3847 Southwestern Boulevard; Schosek, Richard – 3878 Southwestern Boulevard; Simoncelli, Michael – 3848 California Road; Stadium Mobil – 3856 Southwestern Boulevard; Sullivan, Patrick – 3819 Abbott Road; Tartaglione, Charlotte – 3958 Southwestern Boulevard; Tempestoso, David – 3912 Southwestern Boulevard; Todd, Michael & Karen – 3752 Abbott Road; Tripodi, Stephen – 3800 Southwestern Boulevard; Twin Oak Motel – 3949 Southeastern Boulevard; Wannemacher, Lee – 3746 Abbott Road; Whytas, Henry – 5528 Webster Road; Windom Comm. Church – 3766 Abbott Road; Yoviene, Donald & Paul – 3763 Abbott Road.

The resolution was unanimously adopted.

New Business #3 Authorize the 2005 Stable Permit for Johnny Chapman Stables

11) 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 approval of a Public Stable Permit for Johnny Chapman Training Stables, Inc., 5999 Abbott Road, as recommended by the Building Inspector.

The resolution was unanimously adopted.

New Business #4 Authorize Speed Limit Signs - Scattertree Ln, Chisholm Trail & Barrington Hgts

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

WHEREAS, upon recommendation of the Chief of Police and the Highway Superintendent, and pursuant to the authority granted by Section 1662-A of the Vehicle and Traffic Law of the State of New York,

NOW, THEREFORE, it is hereby

ORDERED, that signs be erected designating a speed limit of 30 mph on Scattertree Lane, Chisholm Trail and in the Barrington Heights Subdivision

And it is further

ORDERED, that the Orchard Park Highway Superintendent is hereby directed to post the proper and necessary signs indicating the area speed limit on the above referenced highway.

The resolution was unanimously adopted.

New Business #5 Town Board to Authorize Payment in Lieu of Taxes "Pilot" for Fox Run

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

RESOLVED, that the Town Board does hereby authorize to approve the payment in lieu of taxes "PILOT" schedule for Fox Run at Orchard Park based on a draft, which is pre-filed from negotiations on September 7th, 2005.

Councilman Jemiolo stated that Fox Run will pay full taxes with a 3% increase per year over a 30 year period. He thanked the Town Attorney, the Town Assessor and the Orchard Park School Board for their efforts in this negotiation. Councilwoman Ackerman stated that Fox Run will be paying the Benefit Basis portion of taxes generating more income from the project.

The resolution was unanimously adopted.

New Business #6 Supervisor to Sign Contract for CDBG Funds for the Allen Street Project

14) 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 Supervisor to sign the Agreement between the County of Erie and the Town of Orchard Park for the purpose of undertaking or assisting in the 2005-2006 Community Development Block Grant Funds for the Allen Street Reconstruction Project.

Councilman Kaczor stated that this project will amount to \$315,000 of which \$90,000 will be from the grant and \$225,000 will be from the Town.

The resolution was unanimously adopted.

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

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

RESOLVED, that the Town Board is hereby authorized to refer the request of the DeMarco Family to rezone 11.8± acres of land from R-4 to I-1, to build/house a bus garage to the Planning Board & Conservation Board.

The resolution was unanimously adopted.

ELECTED OFFICIALS & DEPARTMENT HEADS

Councilwoman Ackerman announced the Household Hazardous Waste Drop-off Day on Saturday, September 10, 2005 at 20 Peabody Street in Buffalo from 9 AM until 2 PM. She also announced the Orchard Park Library will be holding a fund raiser Chicken and Rib Barbeque Dinner on Sunday, September 11, 2005, from 11 AM to 3 PM.

Councilman Jemiolo announced People, Inc. is inviting the public to a ribbon cutting ceremony at their new site, Carnation Housing Corporation at 2336 Southwestern Boulevard on Friday, September 16, 2005 at 10 AM.

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

WHEREAS, the Town Board has reviewed and assessed the Town's current and long term capital needs, and

WHEREAS, the Town has established a capital plan, which has been reviewed and updated, and

WHEREAS, the Town wishes to proceed with appropriate planning, design and construction of certain improvements, and

WHEREAS, funding for these capital needs are available in the available Town accounts as designated below

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the establishment of an additional capital project as follows:

New Project Name	Project Number	Amount	Funding Source
Little League Community Building	H75	\$60,000	T87 PIP Trust Account

The resolution was unanimously adopted.

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

WHEREAS, the Town Board has reviewed and assessed the Town's current and long term capital needs, and

WHEREAS, the Town has established a capital plan, which has been reviewed and updated, and

WHEREAS, the Town wishes to proceed with appropriate planning, design and construction of certain improvements, and

WHEREAS, funding for these capital needs are available in the available Town accounts as designated below

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the establishment of an additional capital project and funding of such project as follows:

New Project Name	Project Number	Amount	Funding Source
Pilger, Fay, Glen, Allen & Oakwood Reconstruction	H74	\$225,000	H58 Road Reconstruction Reserve

The resolution was unanimously adopted.

Councilman Kaczor announced that the Orchard Park Recreation Fall/Winter Program Brochure will be sent to residents in the near future.

Building Inspector Geist reported that the property at 52 Bielak Road has been cleaned up by the property owner, therefore, the Town does not have pursue the bid process to do so. Councilwoman Ackerman and Councilman Jemiolo thanked the Building Inspector for his diligent work.

18) 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 the request of Police Chief McCune and Assistant Police Chief Sherry to attend a human resources seminar on September 14th, 2005 at a cost of \$110.00 per person and the money is in the Police Department budget.

The resolution was unanimously adopted.

Highway Superintendent Piasecki reported on the progress of the South Lane Project. He wanted to thank the residents of that neighborhood for their cooperation during the reconstruction.

DEPARTMENT HEADS FROM THE FLOOR

No one gave a report this evening.

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

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	\$151,340.79
Part Town Fund	6,035.73
Risk Retention	0.00
Cemetery Fund	0.00
Highway Fund	168,715.52
Special Districts	29,804.75
Trust & Agency	7,389.27
Capital Fund	48,518.14

The resolution was unanimously adopted.

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 receive and file the following communications as listed on the agenda: 1) Wyoming Erie Regional Emergency Medical Services Council: Notice of Public Hearing pursuant to NYS Public Health Law to review the application and obtain input from all interested parties in the form of oral testimony relative to a determination of public need concerning the application of the West Seneca Fire District #2 (Union Fire Company) to operate an intermediated level ambulance service in the Town of West Seneca, and 2) Erie County Department of Environment & Planning announces a Household Hazardous Waste Drop-off Day on September 10, 2005 at 20 Peabody Street in Buffalo. This event is open to all Erie County residents between the hours of 9 AM to 2 PM.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Robert Aronica, 3656 Baker Road: Mr Aronica spoke this evening on the Baker Road reconstruction. He asked the Town Board is they new when this project would be finished. Councilman Kaczor stated that the Town Board has been very sensitive to the timing of this project. There are issues related to the utilities which are unforeseen that extended the project. The Town and Contractor have worked with the School District to insure that portions of the road were completed for bus access to the school. Unfortunately, with the magnitude of this type of road project, there are bound to be some problems. Councilman Kaczor apologized to the residents, knowing first hand how it affects travel routes. He stated that the ultimate benefit when the road project is complete will be well worth it.

Donna Hopkins, 3796 Baker Road: Ms. Hopkins spoke on behalf of the Baker Road safety issues too. His problems were with road gutters and utility shut-off notifications.

Willard Haas, 3645 Baker Road: Mr. Haas has problem with the dust on Baker Road from the reconstruction.

Richard Bigelow, 7166 E. Quaker Road: Mr. Bigelow complimented the Engineering Department for the fine job, but stated that the watering on the road needs to be more frequent than it has been. He also stated the speeding continues to be a major problem. Mr. Bigelow asked if the SEQR review was specific to removal of the trees at the end of Baker Road.

The Town Engineer and Councilman Jemiolo explained that it is not. The Town Engineer stated that the landscape does include planting of trees in the project. Town Engineer Bieler gave reasons for some of the problems stated and will require Sicar Construction to do more watering on the road. Councilman Mills asked that the watering of the road be closely monitored and reported to the Town Board.

Bill Dourlain, 3722 Baker Road: Mr. Dourlain has safety and health concerns and questions the response time of emergency vehicles. The Town Engineer stated that emergency calls are monitored and several of his Engineering staff are members of the Volunteer Fire Company that would also respond.

Mark Cudney, 5951 Webster Road: Mr. Cudney wanted to thank the Police Department for controlling the speeding of motorists on Freeman Road and Webster Road. Mr. Cudney asked if the closing off of the end Webster Road at Southwestern Blvd. is still being considered. Councilman Jemiolo stated that the NYS Department of Transportation installed a traffic signal at Breem Street, Mid County Drive and Rte. 20 and requested that Erie County Department of Transportation close off Webster Road at Rte. 20. The Town Engineer stated that the State is redesigning Rte. 20, and that the intersection of Webster Road and Rte. 20 is a concern that will be addressed before the projected 2008 road construction.

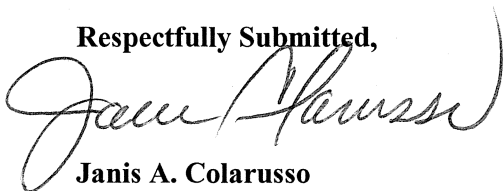
Henry Maciejewski, 3623 Freeman Road: Mr. Maciejewski asked if the chipping machine at the Reclamation Center on Milestrip Road could be moved to the southwest corner of the lot. The noise and diesel fumes are affecting him and his neighbors, and anything the Town can do to change the location of the machine would be appreciated.

Bob Nichols, 16 South Lane: Mr. Nichols complimented the Highway Department on the wonderful job on the road reconstruction project on South Lane.

Scott Kroll, OP Jaycees: Mr. Kroll thanked the Town and the Recreation Department for hosting "Earning by Learning" program on August 23rd, 2005. He thanked Councilman Mills for his donation and Councilman Kaczor for presenting the awards. He announced The Quaker Arts Festival will be held on September 17th and 18th, 2005 from 10 AM until 6 PM on Saturday and 10 AM until 4 PM on Sunday. Shuttles will run from the Bills Stadium and the Chicken Barbeque will be put on by the Jaycees at the Middle School side parking lot.

There being no more business from the floor, on motion by Councilman Jemiolo, seconded by Councilwoman Ackerman to wit; the meeting was adjourned at 8:26 PM (local time).

Respectfully Submitted,



Janis A. Colarusso
Town Clerk