

A Meeting of the Town Board of the Town of Orchard Park, Erie County, New York, was held at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park, New York on the 19th day of September 2007 at 7:00 P.M., (local time). The meeting was called to order by the Supervisor and there were:

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

Boy Scout Troop #518 led the "Pledge of Allegiance" for the Town Board: Edward Fischer, Scout Master; Mike Schoelles, Asst. Scout Master; Dakota Fischer; Jonathan McCarthy; Aaron Fischer and Stephen Garland.

Councilwoman Yeomans offered the following dedication: "I would like to take a moment to honor one of our residents, Mr. Robert Frantsits who died last Tuesday. His wife and his daughter are here with us tonight. Mr. Frantsits was a resident of Orchard Park for 51 years. He moved here in 1956 with his bride, Bertha. They raised their children Mary Alice and Robert Jr. here. He served in the U.S. Navy, and served this town by his dedicated involvement. We all knew him as a fixture at these meetings. He was a wonderful example of government by the people and for the people, always insisting that this Board remain accountable to our residents. He leaves all of us here with a legacy of involvement and true citizenship. Let's please take a moment to honor him in silence."

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 KACZOR, TO WIT:

RESOLVED, that the minutes of the Meeting of the Town Board held on September 5, 2007, as presented by the Town Clerk, are hereby approved, and be it further

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

The resolution was unanimously adopted.

Old Business #1 Town of Orchard Park "Updated" Comprehensive Plan (Public Hearing 9/5/07).

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

WHEREAS, the Town of Orchard Park desired to establish a Comprehensive Plan to guide development and redevelopment in the community in order to ensure the Town remains a desirable location for residents to live, work and play, and

WHEREAS, the Town of Orchard Park has prepared a Comprehensive Plan, based on the Land Use Study completed for the Town and Village in 2002, and in accordance with §272-a of New York State Town Law, and

WHEREAS, the Town Board declared itself Lead Agency on June 14, 2007 pursuant to Part 617.6 NYCRR Article 8 of the Environmental Conservation law (State Environmental Quality Review [SEQR], and conducted a coordinated review, and

WHEREAS, an Environmental Analysis was conducted for the Land Use Study and Comprehensive Plan generalizing the potential significant environmental impacts, and

WHEREAS, each individual project developed within the Town will require their own SEQR analysis, and

WHEREAS, the Town Board held a public hearing regarding the adoption of Comprehensive Plan on August 2, 2006, September 6, 2006 and September 5, 2007.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Orchard Park has determined that the adoption of the Town Orchard Park Comprehensive Plan will not have a significant impact on the environment, and be it further

RESOLVED, that the Town Board issues the Determination of Significance for a Negative Declaration and, therefore, an Environmental Impact Statement (EIS) will not be required.

The resolution was unanimously adopted.

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

WHEREAS, public hearings were held by the Town Board with regard to the Proposed Comprehensive Plan, and

WHEREAS, the Erie County Department of Planning, pursuant to §239m of the General Municipal Law, issued a report regarding the Comprehensive Plan, which is hereby received and filed by the Town Board, and

WHEREAS, this Town Board, as Lead Agency, pursuant to the State Environment Quality Review Act, has issued a Negative Declaration with regard to the Comprehensive Plan.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Orchard Park does hereby adopts the Comprehensive Plan as submitted on July 19, 2007.

Supervisor Travers Murphy stated that she would be in favor of passing the Comprehensive Plan, if the Land Use Study published in 2002, which was to be the basis of the Comprehensive Plan, was appended to the updated Plan. The author of the Land Use Study, and numerous other urban planners, advised that appending the Land Use Study will give our Comprehensive Plan better enforcement, foundation and direction. She felt that more of the residents' recommendations should have been included. Supervisor Murphy stated that she will do everything in her power to move the plan forward and bring in the talents of our residents to help it evolve into the meaningful, visionary document.

Councilman Dietrick stated that he felt that there is a misunderstanding as to what the function of the Comprehensive Plan is. It is not an attempt to change zoning laws or to have one person's agenda be put forth. It is to give an overview and vision of the Town. Any attempts to enhance the zoning laws, or planning procedures, are always open.

Councilwoman Yeomans stated she would like the plan to be more specific and with greater direction than it now has. She felt the Land Use Study, which the Town commissioned, should be included as an appendix which would make it more enforceable. The plan presented tonight is not substantially different from what they started with and she is disappointed in this plan. She would like to move forward and make it a more defined plan.

Councilwoman Ackerman stated that the Land Use Study was very highly regarded and was helpful choosing the language that appears in the update Comprehensive Plan. They agreed the Land Use Study would be part of the list of documents and tools and it that they will continue to use, but it does not need to be appended. Councilwoman Ackerman said that she took into consideration the input from the citizens and incorporated much of it into the updated plan. She stated that she would look forward to establishing a committee that would review specific issues that are suggested and make recommendations for specific implementation.

Councilman Kaczor stated the Comprehensive Plan is not a total product of the Town Board. The Land Use Study was reviewed by the Town departments, boards, committees and other outside agencies for their input. He said that the Comprehensive Plan as adopted will still not be a complete plan as there is still a lot of work to go into it. An Implementation Committee needs to be put together to prioritize the different elements of the plan. A Zoning commission needs to be established and there are other issues that need to be looked at and we need to move forward with this as soon as the plan is adopted.

Supervisor Mary Travers Murphy	Nay
Councilwoman Nan Ackerman	Aye
Councilman David Kaczor	Aye
Councilman Mark Dietrick	Aye
Councilwoman Deborah Yeomans	Nay

The resolution was duly adopted.

Old Business #2 Marco's Deli/Abbott Rd: Request for a Change-In-Use to Italian Deli

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

WHEREAS, Carmen Clark petitioned for a Change-In-Use for Marco's Deli 3043 Abbott Road, Zoned B-2, to convert a residential home (1,143 sq. ft.) located in a Commercial Zone into an Italian Deli. The Zoning Board of Appeals granted an Area Variance on 4/14/07. The Planning Board on 9/12/07 recommended the Town Board authorize the Change-In-Use and Building Permit approval of the Site Plan received 9/11/07.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Change-In-Use for Marco's Deli at 3043 Abbott Rd, to convert a residential home into an Italian Deli, and be it further

RESOLVED, that the Town Board does hereby authorize a Building Permit for an existing 1,143 sq. ft. home converted to a Deli and approve the Site Plan received 9/11/07 based on the following conditions and stipulations:

- This is a Type II SEQR Action based on the submitted Short EAF, and therefore no determination of significance is required.
- The site lighting is limited to those fixtures and poles indicated and poles indicated on the approved site plan. Light fixtures shall have flat lens.
- No outside storage or display is permitted.
- If added in the future, dumpsters shall be screened, in accordance with §144-25 of the Town Code.
- Town Engineering Approval was granted on 9/12/07.
- A Landscape Completion Bond of \$12,470.00 or a certified check in the amount of \$6,235.00 in accordance with the Conservation Board Minutes shall be provided for the approved Landscape Plan, which includes 60% total green space.

The resolution was unanimously adopted.

Old Business #3 Schedule a Public Hearing for Pines of Murphy Road/Rezoning

5) 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 schedule a Public Hearing for Wednesday, October 17, 2007 at 7:00 PM, to rezone property from R-2 to R-3 for the "Pines of Murphy Road", Bryan Young, (located on Murphy Road) for the purpose of converting a sanctuary into a Senior Housing Facility and to add two (2) new living structures, and be it further

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

The resolution was unanimously adopted.

New Business #1 Authorize the Advertisement of Bids for the 2007-2008 SARA Grant/October 29th

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

RESOLVED, that the Town Board does hereby authorize a bid opening for Friday, October 29, 2007, on or before 10:00 AM (local time) through New York State Archives & Records Administration (SARA) for the 2007-2008 Local Government Records Management Improvement Fund Grant in the microfilming category for the Town & Village Building Inspector's Departments, and be it further

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

The resolution was unanimously adopted.

New Business #2 Approve PIP #2007-04 for Windy Hill II Subdivision, Phase 2

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

WHEREAS, the Engineering Department has received from Thomas J. Johnson, 6435 West Quaker Street, Orchard Park, New York 14127, representing Thomas Johnson Construction, Inc., an application for a Public Improvement Permit to construct the Windy Hill Farms II, Phase 2 Subdivision, and

WHEREAS, the project consists of the installation of 1000 L.F. of new roadway and public utilities to serve ten (10) residential sublots, and

WHEREAS, the stormwater treatment facilities and retention pond were constructed in Phase 1, and will be modified to receive storm water from this new proposed phase, 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 Standards, and all receipts of all necessary fees, bonds, and insurances are in place.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the approval of Public Improvement Permit #2007-04 for Windy Hill II Subdivision, Phase 2, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #3 Authorize the Supervisor to sign Agreement for Consultant for Windy Hill Sub.

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

WHEREAS, the developers of the Windy Hill Farms II, Phase 2, Subdivision have applied for a public improvement permit with the intent of starting construction of the proposed new roads and utilities within the week, 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 Town Engineer is in receipt of a proposal from Marquis Engineering & Construction Management to provide the services of Mr. George C. Roetzer, Sr., for onsite inspection when required at a billing rate of \$50.00 per hour which includes expenses, overhead and profit. Mr. Roetzer has extensive construction inspection experience over the past three decades, and

WHEREAS, the Town has received \$26,810.00 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 Marquis Engineering & Construction Management, 6556 E. Quaker Street, Orchard Park NY 14127, to provide inspection services on PIP #2007-04 for the construction of the Windy Hill Farms II, Phase 2 Subdivision, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #4 Approve PIP#2007-03 for Delta Sonic Car Wash Sanitary Sewer Mainline

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

WHEREAS, the Town Engineering Department has received from Delta Sonic Carwash, 570 Delaware Avenue, Buffalo NY 14202, an application for a Public Improvement Permit to relocate the mainline sanitary sewer at the Delta Sonic Carwash at 3205 Orchard Park Road, and

WHEREAS, the project will consist of relocating 348 L.F. of mainline sanitary sewer to facilitate the expansion of the carwash at 3205 Orchard Park Road, 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 Standards, and all receipts of all necessary fees, bonds, and insurances are in place.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the approval of Public Improvement Permit #2007-03 for Delta Sonic Car Wash Sanitary Sewer Mainline relocation at 3205 Orchard Park Road.

The resolution was unanimously adopted.

New Business #5 Authorize NYSEG to Connect Decorative Light Fixtures/Armor Knoll Subdivision

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

WHEREAS, the Town Engineering Department has received a proposal from NYSEG to connect decorative street light fixtures on Aaron Trail in the Armor Knoll Subdivision. At present, there are four (4) single family homes either occupied or under construction of the twelve (12) sublots, and

WHEREAS, the 70-watt H.P.S. luminaries, which are owned by the Town, are placed on top of posts with the installation of decorative street lights under PIP #2006-01. NYSEG will only supply electric, maintain the bulbs, and the electric eye of the luminaries, and

WHEREAS, the proposal is for a total of five (5) luminaries to be connected at an annual charge of \$23.87 each; totaling annually \$119.35.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize NYSEG to connect five (5) 70-watt high pressure sodium decorative light fixtures in Armor Knoll Subdivision PIP #2006-01 for Aaron Trail at an annual increased cost of \$119.35, to the Consolidated Light District in accordance with the attached NYSEG proposal dated September 19, 2007.

The resolution was unanimously adopted.

New Business #6 Approve Final Change Order Release of Retention/Johnson-Jolls Project

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

WHEREAS, the Town Engineer is pleased to inform you that construction work on the Johnson – Jolls Complex Exterior Renovations Project has been completed. On July 19, 2007, a final inspection was conducted and all of the work has been satisfactorily completed in accordance with the contract documents and specifications, and

WHEREAS, a two-year maintenance bond in the amount of \$205,158.80 has been submitted along with the Affidavit of Release of Liens, Affidavit of Subcontractor Payment and necessary legal documents, and

WHEREAS, the Over/Under sheet lists the final adjustments to the quantities for each bid item and shows there will be a net decrease of \$521.70.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the Final Change Order, and to authorize a Release of Retention to Wilsandra Construction Company, Inc., 300 Camden Avenue, Buffalo, New York 14216, for the Johnson – Jolls Complex Exterior Renovations Project in the amount of \$10,257.94.

The resolution was unanimously adopted.

New Business #7 Schedule a Public Hearing for the 2008-2009 Community Block Grant Funds

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

WHEREAS, in order for the Town of Orchard Park to be eligible to continue and receive Community Block Grant Funds through the Erie County CDBG Consortium, the Town of Orchard Park is required to conduct a public hearing to provide citizens an opportunity for input into the project selection process. Project applications are due on October 30, 2007, and

WHEREAS, prior to the hearing, Engineer Department will prepare an information packet which will describe the CDBG Program, a list of previous HUD funded projects in our Town, and a list of potential projects to be considered for next year's funding applications.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby schedule a Public Hearing for Wednesday, October 3, 2007 at 7:00 PM, at the Orchard Park Municipal Center, regarding the possible use of the 2007-2008 Federal Community Development Block Grant Funds for the Town of Orchard Park, and be it further

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

The resolution was unanimously adopted.

New Business #8 Release Escrow for Birdsong Subdivision Part 3A, Phase 3 & 4A, PIP #2005-03

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

WHEREAS, on November 16, 2005, the Town Board accepted dedication of the public improvement constructed for the Birdsong Subdivision Part 3A, Phase 3 & 4A, with the stipulation that funds paid by the developer be held in escrow until the following was completed:

- Removal of Shale Pile off of subplot 25 and Install Swale \$ 5,000
- Repair topsoil/seeding and grading of Rear Yard Swales \$ 10,000
- Complete landscaping planting in cul-de-sac \$ 2,000
- Complete Survey Monuments' to Control to 2nd Order \$ 2,000

WHEREAS, the contractor has since completed the above referenced work on Mallard Lane, Woodthrush Trail, and Sandpiper Court cul-de-sac, and the work was inspected by the Engineering Department and found to be in compliance with Town specifications.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Town Clerk to release \$19,000 held in escrow for the items listed above in the Birdsong Subdivision, Part 3A, Phase 3 & 4A, PIP #2005-03 to Dominic Piestrak, PO Box 470, East Amherst, NY 14051.

The resolution was unanimously adopted.

New Business #9 Authorize Supervisor/Sign the Agreement w/Erie County Board of Elections

14) 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 Supervisor to sign the 2007 Polling Location Lease Agreement between the Town of Orchard Park and the Erie County Board of Elections, 134 West Eagle Street, Buffalo NY 14202, for the use of the Orchard Park Municipal Center and the George Heintz Community Center as polling locations for the Primary and General Elections.

The resolution was unanimously adopted.

New Business #10 Authorize the Recreation Department Appointments for Fall/Winter Programs

15) 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 Recreation Departments appointments for the 2007 Fall/Winter Programs dependent a upon the applicant providing the required certifications.

Name	Address	Position	Title	Rate
Emily Horn	Town of Orchard Park	PT2-B	Att	\$9.00
Karen Dolce	Town of Orchard Park	PT2-D	Att.	\$9.50
Lindsay Pohlman	Town of Orchard Park	PT2-B	Att.	\$9.00
Denise Banasiak	Town of Orchard Park	PT2-B	Att	\$9.00
Kyle Palinos	Town of Orchard Park	PT2-B	Att.	\$9.00
Shelby Poston	Town of Orchard Park	PT2-B	Att	\$9.00
Jessica Church	Town of Orchard Park	PT1-C	Lg.	\$8.00
Geoff Engel	Town of Tonawanda	PT2-D	Lg.	\$9.50
Jackie Gramlich	Town of Tonawanda	PT2-D	Lg.	\$9.50

The resolution was unanimously adopted.

New Business #11 Authorize Girls Scouts to Plant Bulbs around the Front of the Jolls House

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

RESOLVED, that the Town Board does hereby authorize Girls Scout Troop from Nativity Church to plant bulbs around the front parameter of the evergreens at the Jolls House on Sunday, September 23, 2007.

The resolution was unanimously adopted.

New Business #12 Refer to the Planning Board and 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 the following items listed on the agenda to the Planning Board and Conservation Board: Rodems Construction Co., Inc., would like to construct a 2,885 sq. ft. office building upon vacant land located on Ellis Road, Zoned I-1 (part of the North American Carbide property, now known as "Transport National Development").

The resolution was unanimously adopted.

Elected Officials & Department Heads

18) 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:

\$ 2,951.00	From: A.1670.0415	Central Services/Computer Training
	To: A.1670.0442	Central Services/Central Computer Software
\$ 3,000.00	From: A.7020.201	Playground Equipment
	To: A.7020.478	Building Rentals

The resolution was unanimously adopted.

Councilwoman Ackerman thanked all who have been involved with the Comprehensive Plan.

Councilman Dietrick said that Robert Lennartz, Chairman of the Scenic Highway Committee, stated that there is going to be a Public Hearing in Albany on October 17 which should finalize the efforts to have Route 219 designated as a Scenic Highway. He commended Mr. Lennartz and the Scenic Highway Committee for all their work and wished them the best of luck.

Highway Superintendent, Fred Piesecki, stated that the landscaping at Fay, Glen & Piler project has been completed. Concrete gutter work is currently taking place at Old Post Road and Old Orchard Lane. The CHIPS money from the State has been received, which was \$99, 810.53, and the CHIPS project on Lake Avenue has been completed earlier this year. Mr. Piesecki stated that an agreement has been reached with the Erie County Highway Assoc. for the plowing of County roads in Orchard Park. It is a three year contract and the town handles 31 land miles.

Town Engineer Wayne Bieler thanked the residents on Pilger, Fay & Glen for their patience during the road work, and thanked the Buffalo Bills for allowing people to park in their lots.

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

RESOLVED, that the Town Board does hereby authorize the approval of all entries on Warrant #18 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$338,876.13
Part Town Fund	\$6,675.36
Risk Retention	0
Cemetery Fund	0
Highway Fund	\$50,652.14
Special Districts	\$213,469.32
Trust & Agency	\$5,682.80
Capital Fund	\$63,225.38

The resolution was unanimously adopted.

Receive & File Communications

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: **Erie County Department of Environment & Planning**: The Erie County Legislature's has designated November 1 through November 30 as the annual thirty day time period within which a land owner may request predominantly viable agricultural land for inclusion to a certified agricultural district in accordance to Section 303-b NYS, Agricultural and Markets Law. ECDEP will accept applications for addition into an agricultural district, if you have any question, please contact John Opalka at the ECDEP at 858-6229, and the **Orchard Park 2007 Crop Walk**: Individuals, groups, organizations, businesses and entire communities are invited to help fight the hunger issues both here and around the world. October 14th, at St. John's Lutheran Church, 12:00 PM Registration, 1:00 PM Walk Start. Contact Mary Jo for your sponsor sheet at 662-7888.

The resolution was unanimously adopted.

Receive & File Reports

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

RESOLVED, that the Town Board does hereby receive and file the following Reports: Chief of Police's Monthly Report for August 2007, and the Building Inspector's Monthly Report and Building Permits for August 2007.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Tom Casey – Mr. Casey talked about the dismissal of the previous Planning Coordinator, Sarah des Jardins, and the appointment of the current planning coordinator, Remy Orffeo, and gave his opinion regarding this issue.

Jane Shoemaker – Ms. Shoemaker had questions regarding the Planning Coordinator termination and subsequent appointment and questions regarding the Insurance problems that took place earlier this year. Regarding Wal-Mart, she stated that she is totally against it and wanted to know if the Town Board is going to require a full Environmental Impact study or were they going to let them use the previous one from Sam's Club.

Bill McNamara – Mr. McNamara, Chairman of the Planning Board, stated that Wal-Mart wanted to use the Sam's Club SEQR when they changed project. The Planning Board stipulated that the Super Wal-Mart had to produce a new SEQR for their project.

Randy Crowe – Mr. Crowe, Chairman of the Quaker Arts Festival, thanked the Town for its support of the Arts Festival.

Scout Master Ed Fisher, Boy Scout Troop #518 – Mr. Fisher thanked the Town for carrying on the tradition of the Wall of Honor which means so much. Troop 518 was instrumental in starting this in 2003, and now over seven members of that troop are now serving in the Armed Forces.

Bill Westfall – Mr. Westfall requested that the benches and tables in Veterans Park be spruced up.

Robert Plec – Mr. Plec stated he would like something done about the dangerous intersection of Powers Rd., Armor Duells and Old Orchard. This intersection has gotten worse due to the increase in traffic, and the area needs to be cleaned up to help visibility. Mr. Plec would like to see sidewalks put in from Candy Lane into Armor, and complained that his brush had not been picked up for eight weeks. The members of the Town Board said that two out of the three roads are not in the jurisdiction of the Town, and letters have been sent to the State and County before regarding this intersection.

22) 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 the Supervisor to send a letter to the New York State Department of Transportation to review the intersection(s) of Armor Duells Road, Powers Road and Old Orchard Lane, to consider rearranging the intersection and to consider cutting all bushes that obstruct the view of the driver to make any and all turns east or west on Armor Duells Road, and be it further

RESOLVED, that a copy of this letter be sent to Erie Co. Legislator John Mills.

The resolution was unanimously adopted.

Dave Schuester – Mr. Schuester also discussed the same issue that Mr. Casey brought up regarding Sarah des Jardins, the former Planning Coordinator and the way she was treated. At the last Board Meeting, Mr. Casey was told his appearances would not be taken seriously anymore and Mr. Schuster said that every tax payer has a right bring up any issue they felt was important. He stated that there needs to be ethics reform in the Town.

There being no further business from the floor, on motion by Councilman Kaczor, seconded by Supervisor Travers Murphy, to wit: the meeting was adjourned at 8:02 PM (local time).

Respectfully Submitted,



Janis Colarusso
Town Clerk