

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 20th day of September 2006 at 7:00 P.M., (local time). The meeting was called to order by the Supervisor and there were:

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

The Supervisor read into the record the following: *"If anyone appearing before the Town Board has a family, financial or business relationship with any member of the Board, it is incumbent upon that person to make it known under State Law and the Town Code of Ethics."*

PUBLIC HEARING

At 7:00 PM (local time) the Supervisor called for the Public Hearing to hear all interested parties for or against a Proposed Amendment to the Zoning Ordinance of the Town of Orchard Park. To rezone property located near the corner of Union & Michael Road (6531, 6539 & 6545 Michael Road) in order to construct an 11,945 sq. ft. building for a CVS Pharmacy Store, from R-3 to B-2, which property is described as follows:

ALL THAT TRACT OR PARCEL OF LAND SITUATE in the Town of Orchard Park, County of Erie and State of New York, being part of Lot No. 461, Township 10, Range 7, of the Buffalo Creek Reservation; and being more particularly bounded and described as follows:

COMMENCING at the point of intersection of the existing southerly highway boundary of Michael Road with the existing southeasterly boundary of Union Road (NYS Route No. 277); said point being on the southeasterly line of lands appropriated by the People of the State of New York as described and shown in a Notice of Appropriation dated August 20, 1965 and recorded in the Erie County Clerk's Office on August 20, 1965 in Liber 7130 of Deeds at page 392, and designated on Appropriation Map No. 27 as Parcel No. 27, said point also being at the southwesterly corner of lands conveyed by Arthur C. Walker to the County of Erie as described in a Warranty Deed dated September 16, 1971 and recorded in said Clerk's Office on October 5, 1971 in Liber 7846 of Deeds at page 221 and designated in said deed as Parcel No. 65; thence along said southerly boundary of Michael Road along the southerly boundary of said parcel No. 65 the following three (3) courses and distances: (1) South 89 degrees 37 minutes 18 seconds East, a distance of 42.77 feet to a point; thence (2) North 82 degrees 24 minutes 31 seconds East, a distance of 50.49 feet to a point; thence (3) South 89 degrees 37 minutes 18 seconds East, a distance of 72.33 feet to the principle point or place of beginning of the parcel of land hereinafter described; thence South 89 degrees 37 minutes 18 seconds East along said southerly highway boundary and along the southerly boundaries of lands conveyed to the County of Erie known as Parcel Nos. 64, 63 and 62 as respectively described in the following three (3) Warranty Deeds filed in said Clerk's office in : (1) Liber 7863 of Deeds at page 441; (2) Liber 7862 of Deeds at page 565; and (3) Liber 7823 of Deeds at page

573, a distance of 239.55 feet to a point on the westerly line of lands conveyed to Daniel W. Jensen and Nadine A. Jensen as described in a Warranty Deed dated July 1, 1988 and recorded in said Clerk's Office on July 1, 1988 in Liber 9883 of Deeds at page 236; thence South 00 degrees 22 minutes 42 seconds West along said westerly line of Jensen, a distance of 201.50 feet to a point; thence North 89 degrees 37 minutes 18 seconds West parallel to the centerline of Michael Road, a distance of 236.77 feet to a point at the southeasterly corner of lands of the Fors Family Limited Partnership as described in a deed dated December 16, 1996 and recorded in said Clerk's Office on December 26, 1996 in Liber 10910 of Deeds at page 8789; thence North 00 degrees 24 minutes 39 seconds West parallel to the original easterly highway boundary of Union Road and along the easterly line of said lands of The Fors Family Limited Partnership, a distance of 201.52 feet to the point or place of beginning, containing 47,989 square feet or 1.10 acres of land, more or less.

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.

At this time the Supervisor asked if there was anyone that would like to come forward to speak for or against this proposed amendment.

Proponents:

Sean Hopkins, Attorney for Applicant: Mr. Hopkins outlined the project to the Town Board and residents. He explained how the petitioner has addressed all the concerns from the various Boards of the Town that have been involved with this project and all the residents that are located around it. He stated that after the residents speak this evening, he would again like to address their concerns.

Matt Casey, Zaremba Group LLC, Developer for CVS Pharmacy: Mr. Casey stated CVS Pharmacy will start out with traditional hours of operations, 8:00 AM to 11:00 PM, with the option to extend the hours if need be.

Nadine Jensen, 6551 Michael Road, Orchard Park: Mrs. Jensen stated that her property borders the proposed project and initially she did not want the project. The developer has worked with the Jensen's to buffer and minimize the impact on their property and now they support the project. The one area of concern she has is the increased traffic at Union Road @ the Michael Road intersection.

Opponents:

Sharon Schiffhauer, 6587 Michael Road, Town of Orchard Park
Leo Schiffhauer, 6587 Michael Road, Town of Orchard Park
Gerry Coonly, 6569 Michael Road, Town of Orchard Park
Elaine Rothfus, 6713 Michael Road, Town of Orchard Park
Bruno Mielke, 232 Michael Road, Town of West Seneca
Richard Graffeo, 300 Michael Road, Town of West Seneca
Alice Graffeo, 300 Michael Road, Town of West Seneca
Earl Rothfus, 6713 Michael Road, Town of Orchard Park
Ron Stadelmaier, 73 Eaglebrook Drive, Town of Orchard Park
James Craw, 2 Creekside Drive, Town of Orchard Park
Sue Cushman, 27 Hawthorne Drive, Town of Orchard Park
Jeremy Tyler, 6587 Michael Road, Town of Orchard Park
Joanne Schiffhauer, 6587 Michael Road, Town of Orchard Park
Dora Lindemuth, 6741 Michael Road, Town of Orchard Park
Cynthia Sievert Sullivan, 254 Michael Road, Town of West Seneca
Eric Graham, 120 Michael Road, Town of West Seneca
Marcia Fredricks, 6689 Michael Road, Town of Orchard Park

The above individuals who are opposing the project had the following concerns and/or issues:

- Michael Road is a residential area surrounded by commercial properties. Some undeveloped, some with vacant ugly decaying buildings.
- People who live in this area cherish their homes. They want to keep the residential neighborhood intact.
- Residents from other areas in the northern part of town stated that they would like to see the area better protected from further development. They would like greater attention paid to the needs for the residents in this area.
- Do not want their quality of life compromised.
- Buffering does not cover the noise and activity at all hours of day and night.
- Lighting will be invasive to nearby homes.
- Trash and debris from customers will be strewn all over.
- Increase in traffic. This area of Michael Road is already a very busy street.
- Increase of accidents will occur at the Union & Michael Road intersection.
- Property values will decline.
- Rezoning affects the entire neighborhood, not just the residents who are adjacent to or across from it.
- Residents are anxious as to what might happen to their neighborhood.
- If this property is rezoned, it will cause a chain reaction up and down the road.
- Feel the process of rezoning is flawed. The more people that are affected by any rezoning should be notified. As soon as a rezoning is considered so residents can respond earlier in the process.
- Residents who did strike a deal with the developer are not happy with the compromise. They stated the petitioner is trying to make the best of a bad situation.
- All individuals who choose to sell their property to the developers (as well as the developers) will not be around to suffer the consequences of the project.
- The developer has a deep pocket, which gives them greater power.
- Will the new CVS bring any greater tax revenue than the current store does?
- Is there really a need for another drug store in this area?
- When a business goes bad, and the property is abandoned, there is decay and vandalism.
- With so much commercial property available, why do they have to try to rezone residential property to build a newer, bigger building that may someday be vacant?
- Orchard Park definitely needs a Master/Comprehensive Plan that clearly defines where commercial development can take place, otherwise it is an open field where a developer can pick any spot they want.
- Prior to a vote on a project, members of the Town Board should make a full disclose of any contributions made to them personally, or to their political party, by anyone affiliated with the project.

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

RESOLVED, that the Public Hearing in the matter of the Proposed Amendment to the Zoning Ordinance of the Town of Orchard Park to rezone property located near the corner of Union & Michael Road (6531, 6539 & 6545 Michael Road) in order to construct an 11,945 sq. ft. building for a CVS Pharmacy Store, from R-3 to B-2, is hereby closed at 8:06 PM.

The resolution was unanimously adopted.

Supervisor Travers Murphy stated there will be no action taken this evening on the proposed rezoning project for CVS. Further comment may be submitted in writing to the Town Board.

Old Business #1 Original Pancake House, 3019 Union Rd/Requesting a Building Permit

2) 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 a Building Permit for the Original Pancake House, 3019 Union Road, Zoned B-2, for renovations to the existing west (front) facade. The Planning Board, 9/13/06, and approval and the site plan received, 8/18/06, based on the following conditions and stipulations:

- This is an Unlisted SEQR Action based on the submitted Short EAF, and a Negative Declaration is declared.
- The site lighting is limited to those fixtures and poles indicated on the approved site plan. Light fixtures shall have flat lens.
- No outside storage or display is permitted.
- Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with Section 144-25 of the Town Code.
- Final revision of the design of the facade is completed with the approval of Mrs. Lorraine Biryla, representing the Town Planning Department.

The resolution was unanimously adopted.

Old Business #2 Joe Ippolito, 3021 Southwestern Blvd/Requesting a Change-In-Use

3) 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 a Change-In-Use from a former "7-11 Store" to a "Coin Operated Laundromat", for 3021 Southwestern Boulevard, Zoned B-2, as requested by Joe Ippolito. The Planning Board, 9/13/06, recommends the change in use based on the following conditions and stipulations:

- The applicant must submit a Site Plan and Utility Plan to the engineering Department for review and approval.
- The site lighting is limited to those fixtures present and no changes will be made.
- No outside storage or display is permitted.
- Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with Section 144-25 of the Town Code.
- If any changes to green space are made to existing site, applicant must appear before the Conservation Board for approval.
- This is an Unlisted SEQR Action and therefore no determination of significance is required.

The resolution was unanimously adopted.

Old Business #3 Kettles, 3719 Abbott Rd/Requesting a Building Permit for an Extension

4) 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 approve a Building Permit for Kettles, 3719 Abbott Road, Zoned B-2, to have an extension of a nonconforming use. The Planning Board, 9/13/06, recommends the approval based on the following conditions and stipulations:

- This is a Type II SEQR Action and therefore no determination of significance is required.
- The Zoning Board of Appeals granted a use variance on 8/15/06.
- The additional room use is exclusively for residential purpose by the owner.

The resolution was unanimously adopted.

New Business #1 Award the Bid for Police Uniform Parts for the Orchard Park Police Department

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

WHEREAS, sealed bids for the Police Uniform Replacement Parts for the Town of Orchard Park Police Department were opened on September 18, 2006 at 10:00 AM (local time) in the Supervisor's Conference Room, in the Orchard Park Municipal Center, and

WHEREAS, all proposals received were referred to the Town Attorney and the Department Head.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby award the bid for the Police Uniform Replacement Parts for the Orchard Park Police Department to North Eastern Uniforms & Equipment, 88 Benbro Drive, Cheektowaga, New York 14225, at a cost of \$563.00.

The resolution was unanimously adopted.

New Business #2 Benderson Dev., 3165 Southwestern Blvd/Requesting an Extension of Site Plan

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

RESOLVED, that the Town Board does hereby approve an additional one (1) year extension for Benderson Development for their site plan located at 3165 Southwestern Boulevard. The Planning Board, 9/13/06 recommends approval for the additional one (1) year extension of the final site plan approval originally granted on 9/14/05.

The resolution was unanimously adopted.

New Business #3 The Building Inspector Requesting Authorization to hire Lawn Care Service

7) 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 Building Inspector to hire a Lawn Care Service for vacant property located on Orchard Park Road that has been neglected, and be it further

RESOLVED, the cost of the lawn care service will be applied to the tax roll for the individual property.

The resolution was unanimously adopted.

New Business #4 Approve Final Change Order Release of Retention of Contract w/Birch Grove

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

WHEREAS, the Town Engineer is pleased to announce that the construction on the Birdsong Park Nature Trails was completed on June 1, 2006, a final inspection was conducted and all of the work has been satisfactorily completed in accordance with the contract documents and specifications, and

WHEREAS, the two-year maintenance bond in the amount of \$351,125.00 has been submitted along with the Affidavit of Release of Liens, Affidavit of Subcontractor Payment and all 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 \$14,349.42. This represents a decrease of 3.99% from the Bid Contract amount.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the final payment and Release of Retention to Birch Grove Landscaping, 117 Bear Road, Cowlesville, NY 14037, for the Birdsong Park Nature Trails in the amount of \$17,248.76, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #5 Approve Change Order #5 to the Original Contract with Sicar, Inc.

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

WHEREAS, the Engineering Department is requesting Town Board approval of Change Order #5 to the Contract with Sicar, Inc., for the Baker Road Reconstruction Project in the amount of \$8,920.64. If approved, this would increase the total contract amount to \$3,148,366.69, representing an increase of 0.28%, and

WHEREAS, the Change Order requested is to cover labor, materials and equipment costs provided by Sicar, Inc., associated with three far side sewer laterals installations on Baker Road (Address Nos. 3956, 3968 and 3990). These far side sewer laterals require lowering to facilitate the road construction drainage near these residences

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Change Order #5 to the original contract with Sicar, Inc., for the Baker Road Reconstruction Project in the amount of an increase of \$8,920.64, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #6 Schedule Public Hearing for Federal Comm. Development Block Grant Funds

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

WHEREAS, the Town Engineer states in order to be eligible to continue to receive Community Development 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, 2006, and

WHEREAS, prior to the hearing, the Engineering Department will prepare an information packet which will describe the CDBG program, a list of previous HUD Funded Projects in the Town of Orchard Park, and a list of potential projects to be considered for next year's funding applications, and

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby Schedule a Public Hearing for Wednesday, October 4, 2006, at 7:00 PM, at the Orchard Park Municipal Center regarding the possible use of Federal Community Development Block Grant Funds in the Town of Orchard Park, as recommended by the Town Engineer, and be it further

RESOLVED, that the Town Board does hereby authorize the Town Clerk to post due notice in the official newspaper of the Town.

The resolution was unanimously adopted.

New Business #7 Approve Change Order #1 to the Contract with RB Mac Construction Company

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

WHEREAS, the Engineering Department is requesting Town Board approval of a Change Order to the Contract with RB Mac Construction Co. Inc., for the New Pavilion at the Milestrip Road Recreation Complex in the amount of \$1,500.00. If approved, this would increase the total contract amount to \$336,500.00 representing an increase of 0.45%, and

WHEREAS, the Change order requested is for additional work not covered under their contract. These modifications include the following:

- Framing in, finishing and painting around a steel beam at the concession area that would have been exposed (\$340.00).
- Finish trim at the ceilings in all rooms using 1"x 3" poplar. Without this trim either the 2"x 8" / 6" top plate or a 2" air gap would be exposed in all rooms (\$1,160.00).

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Change Order #1 to the Contract with RB Mac Construction Company, Inc., for the Milestrip Road Recreation Complex in the amount of an increase of \$1,500.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #8 Supervisor to sign Agreement w/NYS for Chestnut Ridge Village Trail Grant

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

WHEREAS, on September 7, 2006, the Town's grant writer informed us that we have an opportunity to obtain aid to make improvements to the Chestnut Ridge Village Park. The same grant program that was used to complete the Birdsong Trail System is open for applications once again, and

WHEREAS, the proposed improvements will bring the existing trails (woodchips) which have rotted away to a muddy state leaving the trails acceptable to erosion and impassible to residents and handicapped personnel. The proposed work will follow Town standards similar to work completed for the Birdsong Park Nature Trails Project, and recently installed trails in Chestnut Ridge Village Part 6. The project will include the reconstruction of a total of 6,850 linear feet of dirt/chips trails. The scope of work will include 6,375 feet of crushed stone trail, 475 feet of boardwalk, a 12 foot observation deck, benches, trash cans, 240 feet of split rail fence along property lines and a small 4 space parking lot, and

WHEREAS, the preliminary project is estimated to cost \$200,000.00 +/- depending on approval of plans by the permitting agencies. The 20% match will require the Town to commit \$40,000.00 in-cash with additional contributions being provided through permitted in-kind services, "project management and inspection" by Town forces. In support of the grant applications, it will be necessary to pass a resolution authorizing application and committing funds totaling the required 20% of the proposed preliminary project cost of \$200,000.00, and

WHEREAS, there is presently \$35,317.70, plus interest allocated under Capital Project H-07 unspecified Town Park Improvements, as well as \$9,780.00 under Capital Project H-23 Birdsong Nature Preserve for this project. Although, the Town Engineer believes the Orchard Park Parks Department has not completed all charge backs on H-23.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the Application to the New York State Office of Parks, Recreation and Historic Preservation for \$180,000.00 grant for the Chestnut Ridge Village Park Trail Reconstruction, and be it further

RESOLVED, that the Town Board does hereby approve Capital Project "Chestnut Ridge Village Park Trail Reconstruction" and allocate matching funding \$40,000.00, 20% cash, in addition to in-kind services, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #9 Approve Change Order #2 to the Contract w/Wilsandra Construction Company

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

WHEREAS, the Engineering Department is requesting your approval of a Change Order to the Contract with Wilsandra Construction for the Johnson-Jolls Exterior Renovation Project in the amount of \$3,162.50. If approved, this would increase the total contract amount to \$203,941.50, representing an increase of 1.55%, and

WHEREAS, the Change Order requested is to revise the work under their contract for Johnson-Jolls Exterior Renovation Project. During the course of construction, additional work has been considered to be properly completed at this time. This extra work includes painting of all exterior doors (8) and staining of exterior porch ceilings, and

WHEREAS, the painting of the exterior doors was not included under the contract and should be completed now, along with the exterior windows and trim, and

WHEREAS, the porch ceiling has become discolored over the years and should be stained to a uniform color before being finish sealed with polyurethane

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Change Order #2 to the Contract with Wilsandra Construction Company, Inc., for the Johnson-Jolls Complex Exterior Renovations Project in the amount of an increase of \$3,162.50, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #10 Schedule Public Hearing for the "Conservation Management Overlay District"

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

RESOLVED, that the Town Board is hereby authorized to Schedule a Public Hearing for Wednesday, October 18, 2006 at 7:00 PM, in the matter of the adoption of a Local Law for 2006 entitled "Conservation Management Overlay District (CMO)", and be it further

RESOLVED, that the Town Board does hereby authorize the Town Clerk to post due notice in the official newspaper of the Town.

The resolution was unanimously adopted.

New Business #11 Appointments to the Fall/Winter 2006-2007 Staff for the OP Recreation Dept.

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

RESOLVED, that the Town Board does hereby authorize the following Fall/Winter 2006-2007 Staff Appointment(s) to the Town of Orchard Park Recreation Department, dependent upon the applicant providing the required certifications, as recommended by the Recreation Director:

<u>Name</u>	<u>Address</u>	<u>Position</u>
Sarah Battaglia	112 Burbank Drive	PT1-C
Stephanie Battaglia	112 Burbank Drive	PT2-B
Brian Bogner	129 South Lane	PT2-B
Nancy Buck	4417 Freeman Road	PT6-D
Toby Burns	4128 Freeman Road	PT6-D
Andrew Burnside	4568 W. Lake Rd., Dunkirk, NY 14048	PT3-C
Jennifer Buskus	P.O. Box 688 OP, NY	PT2-B
Jennifer Carter	54 Wildwood Lane	PT2-B

Santou Dabo	112-D Kenville Rd., Cheektowaga, NY 14215	PT2-B
Elizabeth Dillon	145 Independence Drive	PT2-B
Karen Dolce	58 Tanglewood Drive West	PT2-D
Mary Felong	54 Burbank Drive	PT2-D
Marilyn Found	7546 Chestnut Ridge Road	PT2-B
Matthew Horn	4825 California Road	PT2-B
Joseph Huber	6680 Gartman Road	PT2-D
Patrick Hurley	59 South Lincoln Avenue	PT2-B
Amanda Janosky	833 Sturgeon Point Road, Derby, NY 14047	PT2-B
Daniel Kasper	39 Ridgewood Drive	PT1-C
Katherine Kempa	45 Coventry Lane	PT2-B
Jamie Kerelchuk	5857 Dover Road	PT2-B
Florence Kirkner	16 Bender Drive	PT3-E
Hannah Kroll-Haeick	214 Maple Avenue	PT2-B
Jacqueline Lex	151 Idlewood Drive	PT2-D
Michael Lindstrom	6235 Scherff Road	PT2-B
Lindsay Pohlman	18 Stonehenge Drive	PT2-B
Andrew Ramage	15 Daisy Lane	PT2-D
Raymond Rayeski	8112 Cole Road	PT2-B
Ed Rowland	71 S. Davis Street	PT6-D
Ronald Schenk	75 Midway Drive	PT6-D
Jacqueline Schier	77 Meadowbrook Road	PT2-B
Timothy Swyers	90-8 Carriage Drive	PT2-B
Eva Szinger	30 Carey Drive	PT2-D
Natalie Vinti	5600 Powers Road	PT2-B
Sarah Yates	240 Independence Drive	PT2-B
Darcy Zappia	32 Quaker Lake Terrace	PT2-D

The resolution was unanimously adopted.

New Business #12 Refer to the Planning Board and/or Conservation Board

16) 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/or Conservation Board:

- John Henderson, Niagara Frontier Recovery, 3958 Southwestern Boulevard: Requesting a Change in Use for the rear pole barn building located on the property to be used as a key making facility for late model running cars and light pick-up trucks to be fitted for keys.
- Enidine Incorporated, 7 Centre Drive, Zoned I-1: Requesting a Building Permit and Site Plan approval to construct a 10,500 sq. ft. addition to the southwest side of the existing structure and an expansion of the parking lot on the southeast side of the existing building.
- Mr. & Mrs. Thomas Slomka, 6310 Cole Road, Orchard Park. Requesting a Perpetual Conservation Easement for 8.67 wooded acres of land.
- **(Not on the agenda).** Cosmos A. Leigh, Inc., 3445 Orchard Park. Requesting a Change in Use. It currently has approval for dual use (doctor's office & residence) and front parking.

The resolution was unanimously adopted.

ELECTED OFFICIALS AND DEPARTMENT HEADS

Councilman Dietrick stated there is a fund raiser scheduled for September 23rd for Angel Flight, which is being held by Demarco Masonry located on California Road.

17) 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 approve the request of Orchard Park High School Pep Club for a Fireworks Permit for September 29th, all the proper documentation has been filed, as recommended by the Town Attorney.

The resolution was unanimously adopted.

Building Inspector, Andrew Geist, stated that the Tim Horton organization has finally closed the deal to purchase the Stadium Inn property and will begin work on that site very soon.

Police Chief Sam McCune stated that the Orchard Park Police Department has received their accreditation from NYS Department of Criminal Justice Services, and this will be in place until June 2011.

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

RESOLVED, that the Town Board is hereby authorized to declare as surplus and send to auction the following five vehicles, as recommended by the Highway Superintendent: 1983 Chevy Van, 1984 GMC Truck, 1984 Ford Truck, 1986 Ford Truck, 1993 GMC Truck and a 1973 Front End Loader.

The resolution was unanimously adopted.

Highway Superintendent Fred Piasecki gave an update on his capital projects: looking to get landscaping done on Nieman and N. Lane; the Village is starting to bring in their brush to the compost site, which is a welcome source of raw material; and landscaping is taking place at the Milestrip Rd. Soccer Pavilion.

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

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

General Fund	\$309,262.58
Part Town Fund	\$6,628.36
Risk Retention	\$0.00
Cemetery Fund	\$53,934.23
Highway Fund	\$53,934.23
Special Districts	\$227,189.45
Trust & Agency	\$7,858.13
Capital Fund	\$316,455.14

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 is hereby authorized to receive and file the following reports: Building Inspector's Monthly Report & Building permits for August 2006, Chief of Police's Monthly Report for August 2006 and the Public Safety Committee report for June 20th, 2006.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Ron Stadelmaier, 73 Eaglebrook Drive: Mr. Stadelmaier asked the Town Board to explain what is the Conservation Management Overlay District? He also wanted to know if it would be a new addition to the Zoning ordinance.

Councilman Jemiolo stated that they were going to call this a "Village Housing Ordinance" which would allow for smaller lots in a development, with less infrastructure and more green space. This would create a new zoning ordinance if approved.

Chuck Albrecht, 4869 Bussendorfer Road: Mr. Albrecht read a letter from Rosemary Block regarding drainage issues in and around Forsythia Court. She sent pictures of what was once a pond, but now has turned into a swamp because of surrounding development. She was told that the Town would take care of it, but nothing has been done in many, many years. Town Engineer Wayne Bieler stated that there is going to be a Public Informational Meeting to show what the Town is going to recommend regarding the drainage problems in that area. This meeting is proposed to take place sometime in January 2007.

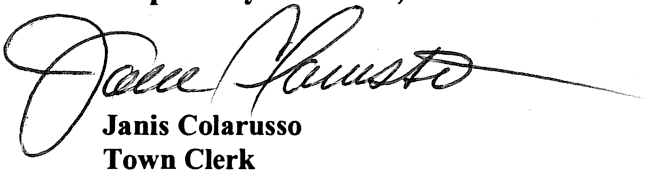
Nick Taneff, 279 Summitt Avenue: Mr. Taneff asked if there were demolition permits issued for the Stadium Inn and there was. Mr. Taneff asked which property the lawn maintenance was requested for on Orchard Park Road by the Building Inspector, which is next to Cannan's Funeral Home.

Robert Frantsits, 4270 California Road: Mr. Frantsits once again discussed his drainage problems.

Councilwoman Ackerman stated that tonight's meeting will be closed in honor of Stewart Crosley who passed away this week. Mr. Crosley was very active in the Town as a member of the Friends of the Library, former member of the Ethics Board and most recently in the Senior Center. A moment of silence was held for Mr. Stewart Crosley.

There being no further business from the floor, on motion by Councilwoman Ackerman, and seconded by Councilman Dietrick, to wit; the meeting was adjourned at 8:50 PM (local time).

Respectfully Submitted,



Janis Colarusso
Town Clerk