

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 15th day of October 2008 at 7:00 PM. The meeting was called to order by the Supervisor and there were:

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

The Town Board recognized Councilman Kaczor as being absent this evening due to his participation as a facilitator in the Bio Med Upstate Conference.

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

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

RESOLVED, that the minutes of the Meeting of the Town Board held on October 1, 2008 as presented by the Town Clerk are hereby approved, and be it further

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

The resolution was unanimously adopted.

Public Hearing

Federal Community Development Block Grant Funds for 2009-2010 for Town of Orchard Park

At 7:00 PM (local time) the Supervisor called for the Public Hearing to hear all interested parties for or against the 2009-2010 Community Development Block Grant Funds.

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

Town Engineer Wayne Bieler prepared the following: The Town of Orchard Park may be eligible to receive Community Development Block Grant (CDBG) Funds from the U.S. Department of Housing and Urban Development (HUD) for the 2009-2010 Program Year.

The purpose of a public hearing is to provide an opportunity for citizens to discuss the needs of the community. The Town is one of 34 municipalities in the Erie County CDBG Consortium. To be eligible for CDBG funding, the proposed project must satisfy one or more of the following national objectives:

Benefit Low and Moderate Income Persons: To benefit low and moderate income persons, it is required that at least 41.9% of the residents of the specific area targeted be at or below the criteria of the income eligibility schedule.

Correct Slums and Blight: A slum or blighted area must be a substantial number of deteriorated or deteriorating buildings or public improvements throughout the area. Currently there are no such areas in the Town of Orchard Park.

Meet an Urgent Community Need: Meeting an urgent community need, the project must alleviate existing conditions that have developed or become critical within the past 18 months and poses a serious and immediate threat to the health and welfare of the community; the grantee is unable to finance, and other resources of funds are not available.

Since its inception in 1976, the Town has received over \$2.3 million in grants and loans under this federal program. It is estimated that the 2008 allotment for the Erie County CDBG Consortium Community's projects will be \$1,000,000. Funds will be granted on a competitive basis to those municipalities whose projects best meet the HUD goals described above. There is a maximum grant of \$100,000 per project with a maximum of three projects funded per municipality. Applications for this year's Community Development Block Grant funds must be submitted by October 27, 2008.

Some suggested projects recommended for the Town of Orchard Park which may qualify for funding are:

Project	Estimate
• Iroquois Drive Drainage (pending survey results)	\$210,000
• Iroquois Drive Reconstruction, including drainage (pending survey results)	\$975,000
• Rural Transit Service Program w/ 12 towns, 7 villages	\$100,000
• Dorchester Drive Reconstruction (pending survey results)	\$310,000

Supervisor Travers Murphy asked if there was anyone in the audience that would like to speak on behalf of the 2009-2010 CDBG Funds. No one came forward.

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

RESOLVED, that the Public Hearing in the matter of the 2009-2010 Erie County Community Block Grant Funds for the Town of Orchard Park, is hereby closed at 7:17 PM.

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, the Town of Orchard Park may be eligible to receive Community Development Block Grant (CDBG) Funds from the U.S. Department of Housing and Urban Development (HUD) for the 2009-2010 Program Year, and

WHEREAS, the Town of Orchard Park held a public hearing this evening to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income areas in the Town of Orchard Park.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby stipulate the priorities for the Community Development Block Grant Funds as follows:

1st Priority; Iroquois Drive Drainage;
2nd Priority; Iroquois Drive Reconstruction,
3rd Priority; Rural Transit Service Program.

The resolution was unanimously adopted.

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

WHEREAS, the Town of Orchard Park may be eligible to receive Community Development Block Grant (CDBG) Funds from the U.S. Department of Housing and Urban Development (HUD) for the 2009-2010 Program Year, and

WHEREAS, the Town has established the projects and the priority in which they would like to have done

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize Supervisor Mary Travers Murphy to sign, submit and execute a contract with Erie County Community Development Block Grant Consortium requesting \$100,000.00 per each of the following projects:

1st Priority; Iroquois Drive Drainage;
2nd Priority; Iroquois Drive Reconstruction,
3rd Priority; Rural Transit Service Program.

The resolution was unanimously adopted.

Old Business #1 Authorize Supervisor to sign Agreement w/ Buffalo & Erie Co. Library

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

WHEREAS, the Engineering Department has received a repayment proposal for the Orchard Park Library Energy Upgrades Project from the Buffalo & Erie County Public Library, dated October 15, 2008. The current proposal is a seven year agreement that could be extended to ten years if needed. The payment amounts are based on the estimated energy savings and will be adjusted accordingly based on actual yearly savings. The agreement is capped at ten years and at \$187,072.00, and

WHEREAS, with all factors included the Town will most likely incur out of pocket expenses of +/- \$250,000 for this entire project up to completion, and

WHEREAS, the mechanical contractor bid expires tomorrow at the end of business and moving forward after this meeting would require a re-bid process and added costs to this project. The Town of Orchard Park has a tremendous opportunity to improve a highly used public building with grant funds that are set to expire at the end of June 2009, and

WHEREAS, the Town Attorney has agreed with the recommended payment Terms-Energy Project Support document but the actual agreement contract is still being drafted by Erie County.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with the Erie County Library Board to front the out of pocket expenses for the Energy Upgrades Project, with Erie County Library agreeing to repay the Town of Orchard Park over ten years with the energy savings totaling up to \$187,072.00, as recommended by the Town Engineer.

Town Engineer Wayne Bieler stated that this much needed project will help save energy with new lighting, heating, windows, and exterior upgrades. The Town and Erie County Library were able to obtain grants totaling \$150,000, with another \$150,000 from NYSEDA, so a \$500,000 project will be completed with only \$250,000 cost to the Town. Also, the County has agreed to repay the Town with their energy savings for the first ten years of the project.

Councilwoman Ackerman stated that the Orchard Park Library is the 3rd busiest in the whole system. The County did not have to contribute anything to the project, as the Town is responsible for the physical building and the County is responsible for the operating expenses.

Councilman Dietrick stated this project will help insure that the Town of Orchard Park will always have a Library.

The resolution was unanimously adopted.

Old Business #2 Award bids for the OP Library Energy Upgrade Project

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

WHEREAS, Bids were opened for the Library Energy Upgrades Project on Sept. 12, 2008, and

WHEREAS, the project was bid in four divisions General Construction, HVAC, Asbestos and Electrical:

- The General Construction bid included a base bid (new ceilings, windows, doors, etc.) and six alternates (alt. #A1 carpet squares throughout the main library) (alt. #A2 painting the walls around the perimeter shelving and below the ceiling) (alt. #A2A painting the walls by removing the perimeter shelving and repairing the entire walls) (alt. #A3 exterior finish carpentry window trim) (alt. #A4 temporary trailer for library meetings and activities) (alt. #A5 contractor moving the books and furniture for this project) (plus wood blocking for any rotten wood around the windows).
- The HVAC bid included the base bid (new boilers, diffuser and damper) plus two alternates (alt. #H1 new supply and return air dampers) (alt. #H2 providing a temporary boiler plant for heat), the Electric bid included the base (lights, fire alarm equipment, various connections) and three alternates (alt. #E1 accent lighting in the ceiling) (alt. #E2 providing power to the temporary boiler plant) (alt. #E3 providing power to the temporary meeting trailer).

- The Asbestos bid contained only the base bid (window sashes, insulation, mud fittings) as directed by the Town & Library Boards to give the Town flexibility modifying the scope of the project.
- The alternates chosen per the Town Board and Orchard Park Library Board include the addition of new carpet, paint around furniture, exterior finish carpentry, moving of the books & shelves, new air dampers and accent lighting to the project, and

WHEREAS, the Engineering Department has reviewed the bids of the twenty-one contractors who submitted bids. The Town received (8) General Construction bids, (6) Asbestos bids, (3) HVAC bids, and (4) Electrical bids, and

WHEREAS, the low bids for the General Construction, HVAC, Asbestos, and Electrical divisions were \$302,300.00, \$99,080.00, \$10,300.00, and \$107,500.00 respectfully. The low bidders for the project, with chosen alternates, were Javen Construction, Parise Mechanical, Stohl Remediation and O'Connell Electric, respectfully. Total construction cost for the General Construction, HVAC, Asbestos, and Electrical for a combined total of \$519,180.00, and

WHEREAS, the Town has allocated \$549,509.53 under Capital account H-81 for the "Library Energy Improvements" for this remodeling project. The Library has forwarded \$118,665 (\$131,851 Grant Award) from the 2006 Library Construction Grant, minus 10% retention. The Library has also forwarded \$13,055.41 (\$14,506.01 Grant Award) to be used towards Solar Panel Project only) from the surplus of the 2007 Library Construction Grant, minus 10% retention. Additional funding/repayment agreement is being finalized from the Buffalo and Erie County Public Library which can provide up to \$24,415 + 3% increase per year for seven (7) years plus any cumulative short fall balances existing after seven years could be paid by 50% of the savings for an additional three years for the actual energy improvements and savings. The repayment under this agreement will not exceed \$187,072.00 but depending on actual energy savings and solar panel system performance, the amount repaid might be lower.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby award the following contracts, as recommended by the Town Engineer, for the Library Energy Upgrades Project to the lowest responsible bidders for the General Contractor Base Bid (*plus Alt #A1, Alt. #A2, Alt. #A3, Alt. #A5 & Wood Blocking & (HVAC) Alt #H1 & (Electrical) Alt #E1*) as follows:

- General Construction: Javen Construction, 2575 Baird Road, Penfield, New York 14526 in the amount of \$302,300.00; and
- HVAC: Parise Mechanical, Inc., 1106 Sheridan Drive, Tonawanda, New York 14150 in the amount of \$99,080.00; and
- Asbestos: Stohl Remediation, 4169 Allendale Pkwy, Blasdell, New York 14219 in the amount of \$10,300.00; and
- Electric: O'Connell Electric Company, 929B Ransom Road, Lancaster, New York 14086 in the amount of \$107,500.00.

The resolution was unanimously adopted.

Old Business #3 Town Board Opposed to Legislation to Consolidate Vital Statistics Operations

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

WHEREAS, the New York State Local Government Commission on Efficiency and Competitiveness has made recommendations to the Governor which affect the operation of local government, and one of the recommendations of the Commission was to move all Registrar of Vital Statistics duties to the County level under the direction of the New York State Health Commissioner, and

WHEREAS, the New York State Department of Health has developed a program bill (Senate Bill #S8184 and Assembly Bill #A11560) that would allow the Commissioner to consolidate the function of the local Registrars of Vital Statistics, and

WHEREAS, the Commissioner could consolidate these services without County Legislature approval as is required by law currently, and

WHEREAS, the New York State Department of Health has inappropriately attached these proposed changes in the structure of the Registrar of Vital Statistics duties to changes in the "Pandemic Flu and Public Health Emergency Preparedness Law", and

WHEREAS, the local City, Town and Village Clerks have provided this service professionally, efficiently and in a timely and cost effective manner over the years, and

WHEREAS, the Orchard Park Town Board feels with the current high costs and financial stress to citizens, including fuel and the Erie County hall's distance from the Town of Orchard Park, would put an additional undue burden on residents as these services would be located much further away, and

WHEREAS, the local registrar's in Erie County currently charge \$10.00 per certified copy and the State proposes to allow the County to charge \$30.00 per certified copy, thereby tripling the current fee, and

WHEREAS, the loss of revenues would have a financial impact on the Town of Orchard Park as well as all local governments in Erie County.

NOW, THEREFORE, be it

RESOLVED, that in the interest of its residents and good, efficient, cost effective government, the Town of Orchard Park opposes the consolidation of the function of the local Registrars of Vital Statistics to the County, and be it further

RESOLVED, that the Town of Orchard Park appeals to its County and State Officials to oppose the proposed changes to the Public Health Law relating to the Registrars of Vital Statistics, and be it further

RESOLVED, a copy of this resolution be forwarded to Governor David Paterson, Erie County Executive Christopher Collins, Erie County Legislature, Erie County Clerk and the Western New York delegation of the New York State Senate & Assembly

Councilman Dietrick stated that according to the Town Clerk, if passed, this resolution would greatly inconvenience residents, and feels that this money grab by the state to take funds that are traditionally left at the local level.

The resolution was unanimously adopted.

Old Business # 4 Award Bid for Multipurpose Excavator for OP Highway Department

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

WHEREAS, bids were opened for a Multipurpose Excavator for the Orchard Park Highway Department on October 14, 2008

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby award the bid to Vantage Equipment, LLC, 44554 West Saile Drive, Batavia NY in the amount of \$239,978.00, as recommended by the Highway Superintendent.

The resolution was unanimously adopted.

Old Business #5 Award Bid for Four Wheel Drive Loader for OP Compost Site

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

WHEREAS, bids were opened for a Four Wheel Drive Loader for the Compost Site on October 14, 2008

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby award the bid to Five Star Equipment, Inc., 284 Ellicott Road, Orchard Park NY in the amount of \$139,850.00, as recommended by the Highway Superintendent.

The resolution was unanimously adopted.

Old Business #6 (Tabled) Quaker Crossing East Out Parcel Request for Special Exception Use; Quaker Crossing East out-parcel, located near the entranceway along Amelia Drive, Zoned B-1. Applicant is request Special Exception Use for a 6,100-6,500 sq. ft. restaurant. The Planning Board recommends the Town Board approve the Special Exception Use Permit for the restaurant based on the submitted letter of intent received on 9/9/08, with conditions and stipulations.

New Business # 1 Proclamation to County to Continue Support of Solid Waste Management Plan

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

WHEREAS, the State of New York Solid Waste Management Act of 1988, listed in Part 371 of the NYS Codes, Rules and Regulations (6NYCRR) prepared in accordance with 6 NYCRR Part 360, established a statewide goal to maximize solid waste reduction and recovery to the extent economically and technically feasible, and

WHEREAS, the Act calls for all municipalities of New York to be part of a solid waste management unit and to develop, and have the State approve, a Solid Waste management Plan, and

WHEREAS, consistent with this plan, the Northeast Southtowns Solid Waste management Board (NEST) is to achieve a 50 percent or more recycling rate by 2012, the end of the ten year planning period, and

WHEREAS, NEST, a designated Solid Waste Planning Unit recognized by the New York State Department of Environmental Conservation (NYSDEC), consisting of municipal representatives and serving a region that includes 37 municipalities (22 towns, 14 villages, and one city) in Erie County, New York, and

WHEREAS, NEST is required to address the solid waste management needs of the municipalities within its borders, and

WHEREAS, the NEST Solid Waste Management Plan identifies Erie county as the administrator of the plan, and

WHEREAS, the State of New York and the local solid waste management boards have provided financial aid to Erie County to support a Recycling Coordinator position to serve Erie County municipalities, and

WHEREAS, the Recycling Coordinator for Erie County acts as the staff for NEST and has provided the administrative support for the implementation of the Solid Waste Management Plan, and

WHEREAS, Erie County, with the support of NEST, has prepared and submitted a grant application to the NYSDEC for the Recycling Coordinator position for 2009-2011, and

WHEREAS, the Sate of New York has delayed funding of the Recycling Coordinator position, and

WHEREAS, the local solid waste boards intend to continue to contribute financial support to offset costs associated with the Recycling Coordinator position, and

WHEREAS, the local solid waste boards are concerned with the possible loss of the position of Recycling Coordinator from the 2009 budget,

NOW, THEREFORE, be it

RESOLVED, that the Board of NEST urges the County Executive of Erie County to continue to provide support to assist in implementing the mandatory requirements of the Solid Waste Management Plan, and be it further

RESOLVED, that NEST requests that the County Executive of Erie County utilize its funding support to convert the position of Recycling Coordinator to a county-line position until grant funding is reinstated.

The resolution was unanimously adopted.

New Business #2 & 3 Appointments to Town Boards & Committees

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

RESOLVED, that the Town Board does hereby make the following appointment(s):

Recreation Commission – Joseph Wales, resident of the Town, term expires December 31, 2009

Public Safety Committee – Ronald Stadelmaier, resident of the Town, term expires December 31, 2008

Historic Preservation Committee – Bradley Rauch, resident of the Town, term expires May 13, 2012

RESOLVED, that the Town Board does hereby implement a committee for the “Town of Orchard Park Comprehensive Plan”, which will consist of the following; Four-(4) members from the Community with One-(1) Alternate, and Seven-(7) members from existing Boards & Committees.

Community Members

Mark Manly
Paul Becker
Patrick Keem
Georg McKnight
Rozanne Redlinski (Alternate)

Town Boards & Committees

Anne Bergantz
Jack Bertsch
Tom Jaeger
Jim Loesch & Rich Schechter (will share Position)

At this time the Town Board stated three (3) more members will be added to this committee from the Planning Board; Zoning Board of Appeals and the Historic Preservation Committee, which will be done at a future meeting.

The resolution was unanimously adopted.

New Business #4 Seasonal Appointments to Recreation Staff

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

RESOLVED, that the Town Board does hereby authorize the following appointments to the Fall/Winter Staff of the Orchard Park Recreations Department, dependent upon the applicant providing the required certifications, as recommended by the Recreation Director.

Name	Address	Position	Rate
Jessica Mann	Orchard Park	PT-D (att)	\$9.00

The resolution was unanimously adopted.

New Business #5 Traffic Order – the Posting of a Stop Sign on Basswood Lane @ Arrowood Drive

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

WHEREAS, The Police Chief, Highway Superintendent and the Town Engineer have reviewed the street layout for Chestnut Ridge Village, Part 7 Phase 2 and Part 8,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby order the posting of a “Stop Sign” on Basswood Lane at the intersection of Arrowood Drive.

The resolution was unanimously adopted.

New Business #6 PIP #2007-02 Chestnut Ridge Village Pt7, Ph2 & Part 8 –release of escrow

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

WHEREAS, On October 1, 2008 the Town Board accepted dedication of the public improvements constructed in Chestnut Ridge Village, Part 7 Phase 2 and Part 8, PIP 2008-02, with the stipulation that funds paid by the contractor be held in escrow until the removal of the construction entrance off of Armor Duells Road was completed, and

WHEREAS, the contractor has since completed the removal of the construction entrance off of Armor Duells Road and the work has been inspected and found to be in compliance by the Engineering Department and NYSDOT

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Town Clerk to release \$2,000 held in escrow under PIP #2008-02 for the completion of the construction entrance removal off of Armor Duells Road in the Chestnut Ridge Village, Part 7 Phase 2 and Part 8, to Greenauer Development, Inc, Site Contractor, PO Box 250, Springbrook NY 14140, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #7 PIP # 2006-03 Highlands of Baker Authorize NYSEG to Connect Light Fixtures

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

WHEREAS, the Town has received a proposal from NYSEG for the connection of eight (8) decorative street light fixtures on Saddle Brook Court in the Baker Highlands Subdivision. At present, there are eleven (11) single family homes occupied in this subdivision with another four (4) currently under construction of the 21 subplot subdivision, and

WHEREAS, the 70-watt H.P.S. luminaries, which are owned by the Town, were installed with the installation of decorative street lights poles under PIP # 2006-03. NYSEG will maintain the bulbs, and the electric eye of the luminaries. The supply of electricity is not included in the price as the Town purchases their electricity from another supplier. The proposal is for a total of eight (8) luminaries to be connected at an annual charge of \$23.87 each; totaling annually \$190.96.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize NYSEG to connect a total of eight (8) 70-watt high-pressure sodium decorative light fixtures on Saddle Brook Court in the Baker Highlands Subdivision at an annual increased cost of \$190.96 to the Consolidated Light District in accordance with the NYSEG proposal dated September 29, 2008, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business # 8 Refer to Planning Board & Conservation Board

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

RESOLVED, that the Town Board does hereby refer the following request listed on the agenda to the Planning Board and the Conservation Board: Lebex Holdings LLC, Vacant land on Taylor Road, Zoned R-3, requesting a Special Exception Use Permit to construct approximately 69-upscale townhouse units.

The resolution was unanimously adopted.

Business from the Floor

Barbara Little – She stated she is opposed to the Sidewalk Law. The responsibility and liability it places on individuals & businesses (who had no say) is unfair and wrong. The Town should be responsible and take back the care of the sidewalks.

Elected Officials & Department Heads

Councilman Graber wanted to announce that the Orchard Park Recreation Committee, in cooperation with the Police Department and the Hillcrest Fire Department, are throwing their 4th annual Halloween Parade and Party on Oct. 25th from 6:00 to 8:00pm.

Councilman Dietrick stated that the Supervisor's proposed budget has things in it that concern him and wants to take a look at such things as; salaries & overtime and how employees are using overtime. He wants to see funds for projects such as acquiring green space, senior center repair, library & highway energy projects, acquiring green space, and the drainage project to be available. The proposed budget has a 1.5% increase, and he would like to see this reduced, and to look at areas that the Town can cut back to keep a strong reserve.

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

RESOLVED, that the Town Board is hereby authorized to schedule a Public Hearing for Wednesday, November 5, 2008, at 7:00 P.M. (local time) regarding a Proposed Local Law which provides for an Alternate to the Conservation Board.

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board is hereby authorized to schedule a Public Hearing for Wednesday, November 5, 2008, at 7:00 PM (local time) in the matter of the proposed 2009 Ad Valorem & Benefit Basis Special District Preliminary Budgets.

The resolution was unanimously adopted.

The Highway Superintendent, Fred Piasecki, stated fall leaf pick up has begun.

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

RESOLVED, that the Town Board does hereby authorize the approval of all entries on Warrant #20 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$40,426.03
Part Town Fund	\$1,103.13
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$18,196.23
Special Districts	\$40,426.03
Trust & Agency	\$23,133.15
Capital Fund	\$3,780.00

The resolution was unanimously adopted.

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

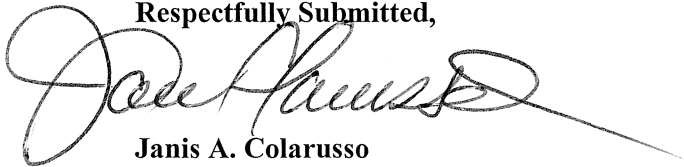
RESOLVED, that the Town Board does hereby receive and file the following *communication* listed on the agenda: New York State Department of Transportation received the Town of Orchard Park's request to place "Tractor Crossing" signs on E. Quaker Road, and the request to review the traffic conditions on Route 240/277 @ Jewett Holmwood Road, and be it further

RESOLVED, that the Town Board does hereby receive and file the following *reports* listed on the agenda: Building Inspector's Monthly Report & Building Permits for September 2008, and Supervisor's 2009 Tentative Ad Valorem & Benefit Basis Budgets which can be found on the Orchard Park Web Site @ orchardparkny.org

The resolution was unanimously adopted.

There being no further business, on motion by Supervisor Travers Murphy, seconded by Councilman Dietrick, to wit, the meeting was adjourned at 7:32 PM (local time).

Respectfully Submitted,



Janis A. Colarusso
Town Clerk