

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 19<sup>th</sup> of October 2005 at 7:00 P.M., (local time). The meeting was called to order by the Supervisor and there were:

<b>PRESENT AT ROLL CALL:</b>	Toni M. Cudney	Supervisor
	Nancy W. Ackerman	Councilwoman
	Stanley A. Jemiolo, Jr.	Councilman
	David R. Kaczor	Councilman
	John J. Mills	Councilman
	Janis A. Colarusso	Town Clerk
	Leonard Berkowitz	Town Attorney
	Andrew Geist	Building Inspector
	Samuel McCune	Chief of Police
	Frederick Piasecki, Jr.	Highway Superintendent
	Wayne Bieler	Town Engineer

1) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN MILLS, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR CUDNEY, TO WIT:

**RESOLVED**, that the minutes of the Town Board Meetings held on September 21, 2005 and the Special Meeting that was held on October 12, 2005, as presented by the Town Clerk, are hereby approved, and be it further

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

**The resolution was unanimously adopted.**

### **Public Hearing**

At 7:00 PM (local time) the Supervisor called for the Public Hearing to hear all interested parties for or against an Amendment to the Zoning Ordinance of the Town of Orchard Park to rezone vacant land, east side of North Buffalo Street (across the street from the Orchard Park Central School Federal Credit Union) from B-3 to B-2 to construct two multi-tenant retail buildings, as petitioned by Benderson Corporation, which property is described as follow:

**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. 29, Township 10, Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

**BEGINNING AT** the point of intersection of the easterly of Orchard Park Road (66 feet wide) with the north line of lands conveyed to Henry Arnold and David Eddy by instrument recorded in Liber 1 of Deeds at page 73, said north line of Arnold and Eddy being parallel with the south line of Lot 16, and distant 1096.26 feet there from, thence easterly along said Arnold's and Eddy's north line, at an interior angle of 93°48'39", a distance of 317.70 feet; Thence northerly, at an interior angle of 86°11'21", a distance of 395.86 feet to a point; Thence easterly at an interior angle of 93°48'39", a distance of 317.48 feet to a point in the east line of Orchard Park Road; thence southerly and along the easterly line of said Orchard Park Road at an interior angle of 87°13'14", a distance of 392.20 feet to the point or place of beginning.

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 opened the meeting to anyone who wished to speak on this proposed rezoning this evening:

**Eric Recoon, Vice President of Leasing with Benderson Development:** Mr. Recoon outlined the proposed project. He stated that the project consists of 35,000 sq. ft. of shopping center, comprised of two buildings. The rezoning classification allows restaurants to be added to the retail use that is currently permitted on this site. He stated that they also own land to the east of the project, that is zoned residential, which they are not currently seeking to rezone that parcel as they previously requested.

**Dave Stott – 15 Locust Drive:** Mr. Stott said it is his understanding that there is a Master Plan in effect for the Town of Orchard Park and he feels this plan should be given to the public for review before any decisions are made regarding this rezoning. He stated that he is aware of a Zoning Map which is in effect at this time and stated that “zoning is a promise on the part of the Town” and “It’s a covenant between the people and the Town”. He does not feel that the Town should renege on its promises without a public plan in place to do so. Mr. Stott said that soon it will be possible for a developer to go before the courts to obtain what they want, instead of the Town Board. When that happens, the courts will then look at the only rule of law, which will be Town precedent. Therefore, he requested that the Town Board deny the request to rezone.

Councilwoman Ackerman responded by saying that she was on the Zoning Commission in the 1980’s, which presented the 350 feet deep commercial zone concept on both sides of North Buffalo Road to the Town Board. This was not a determination as to what kind of businesses would go in along there, but as to the depth of the commercial zone. It was adopted. She stated there have been pressures to change this, and rezone deeper, but just as with Benderson’s request, they were rejected. Councilwoman Ackerman said that “we are not in violation of the masterplan” or any concept which is in place. Councilwoman Ackerman said that Benderson Development is going to leave the residential portion of their property as greenspace. Eric Recoon stated that there have been no promises made, and no promises broken.

**John Marlow – 37 Brookins Green:** Mr. Marlow asked for clarification regarding the R-2 portion of Benderson’s property and is it going to be put into a Conservation Easement. He also asked if there is anything else in place to make sure that the R-2 portion is kept “green”, as Benderson could still come back and ask to rezone that portion. Mr. Marlow stated that he thought existing Village sites should be considered for new businesses instead of a lot of new structures being built.

Supervisor Cudney stated that she would also like to see the R-2 portion of this project put into a Conservation Easement, or some other guarantee that the R-2 portion will remain green. Councilwoman Ackerman said that the R-2 portion would be addressed during the site plan review.

**Jim Suplicki – Big Tree Road:** Mr. Suplicki said that he feels sorry for anyone who lives near vacant land because you never know what may be put there. Even if there are promises that nothing will go in that site, promises may be broken. He also stated that the Tops Plaza on Southwestern looked great when it was proposed, but now you need a GPS system to get in and out of there.

**Nick Taneff – 279 Summit Avenue:** Mr. Taneff said he would welcome this plaza provided that there was a “Buffer Law” in place. This project is a good example why there should be a “Buffer Law” as there are no guarantees concerning this plaza. If there was a Buffer Law, it would go a long way towards securing the future of the people who own property and live in the area, as that is the biggest investment they will make in their life.

**Raymond Waite – 47 Auckland:** Mr. Waite said that this Town Board has had very little problem with rezoning and infringing upon residential property. When he moved to Auckland, his realtor told him the worst you're ever going to have next to you is a nice new house. Now, with the rezoning granted to Jim Ball, he is going to have a car dealership next to him.

**Joe Deck – 4 Lancaster Lane:** Mr. Deck stated the site is zoned business and some kind of business would eventually go in there. Based on what he has read in the paper and the tenants that he has heard about, he feels that the Town will be proud of the project when it is done. He also said that these kinds of projects will pay their full share in taxes, as opposed to other projects which look for tax relief.

**2) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN KACZOR, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR CUDNEY, TO WIT:**

**RESOLVED**, that the Public Hearing in the matter of an Amendment to the Zoning Ordinance of the Town of Orchard Park, to rezone vacant land, East side of North Buffalo Street (across the street from the Orchard Park Central School Federal Credit Union) from B-3 to B-2 to construct two multi-tenant retail buildings, as petitioned by Benderson Corporation, is hereby closed at 7:36 PM (local time).

**The resolution was unanimously adopted.**

#### **Public Hearing**

At 7:37 PM (local time) the Supervisor called for the Public Hearing to hear all interested parties for or against an Amendment to the Zoning Ordinance of the Town of Orchard Park to rezone 19.2 ± acres vacant land, for Quaker Crossing South from I-1 to B-1 Commercial to construct a ± 147,000 sq. ft. retail plaza located on the south side of Milestrip Road, across the street from Quaker Crossing, 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. 29, Township 10, Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

**BEGINNING**, at the northwest corner of Lot No. 29 in the original center line of Milestrip Road; thence east along the north line of Lot No. 29, a distance of 789.05 feet to the westerly right of way of lands conveyed to Niagara Mohawk Power Corporation by deed recorded in the Erie County Clerk's Office in Liber 1665 of Deeds at page 244; thence southerly along the westerly line of said right of way, a distance of 1653.14 feet to the northerly right of way of Baltimore and Ohio Railroad; thence northwesterly along the northerly right of way of said railroad, a distance of 1212.50 feet to the west line of Lot No. 29; thence north along the west line of Lot No. 29, a distance of 748.88 feet to the place or point of beginning.

**EXCEPTING**, that portion of land conveyed to the County of Erie and State of New York for the widening of Milestrip Road, containing 29.1 acres of land more or less.

**ALSO, ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Orchard Park, County of Erie and State of New York being parts of Lots Nos. 29 and 30 Township 10, Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

**BEGINNING**, at a point in the center line of California Road, at the southwest corner of lands conveyed to Arbo Industries by deed recorded in the Erie County Clerk's Office in Liber 7626 of Deeds at page 357; thence northeasterly along the southerly line of said deed, a distance of 465.58 feet to the southerly right of way of the Baltimore & Ohio Railroad; thence southeasterly along the southerly right of way of

said Railroad, a distance of 70.01 feet to a point; thence southwesterly and parallel to the first described course at a distance of 70 feet at right angles to a distance of 478.83 feet to the center line of California Road; thence northwesterly along the center line of California Road, a distance of 71.05 feet to the place or point of beginning, containing 0.76 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 opened the meeting to anyone who wished to speak on this proposed rezoning this evening:

**Robert Walsh – Attorney for Quaker Crossing Retail Project:** Mr. Walsh has been the attorney for Quaker Crossing since its inception. This is a continuum of that project; this part is Phase III and would continue the retail with the same kind of tenant mix currently in Phase 1. Mr. Walsh stated that since the opening of Quaker Crossing in 1996, the Town & School have benefited from the tax generated by that property, as well as the sales tax generated. Mr. Walsh stated that there will be no impact on residential property as there is no residential property bordering the project at all.

**Nick Taneff – 279 Summit Avenue:** Mr. Taneff was concerned with the “buffer zone” issue if there were any residential areas behind this parcel, which there are none. Mr. Taneff stated that he feels that this area is ideal for commercial activity. He feels Mr. Buchheit has proven with his Target Plaza, that he keeps his properties well maintained and will continue to do so.

**Pat Sullivan – 3819 Abbott Road:** He is in favor of this retail project and feels Mr. Buchheit has done a great job of keeping the Target plaza in good shape. Mr. Sullivan would like to keep the retail monies in Orchard Park.

**Jim Suplicki – Big Tree Road:** He is in favor of this project, provided Mr. Buchheit maintains the site, as well as he does the Target Plaza.

**Joe Deck – 4 Lancaster Lane:** Mr. Deck feels that Mr. Buchheit has done a great job with his other plaza. As far as loss of Industrial land, 20 acres is so small for an industrial area and this site is perfect for retail. Mr. Deck owns a piece of property on South Benzing Road and he would like to see South Benzing connected to Milestrip Road.

Councilman Kaczor stated one of the problems with Industrial Development in this area is that the State has a very aggressive plan, where they have identified what they refer to as Economic Development Zones in depressed areas of the cities, and offer great tax incentives to establish businesses in these zones. That is why you do not see much industrial development outside of these zones.

**Dave Stott – 15 Locust Drive:** Mr. Stott feels that even if industrial businesses are not lining up to set up their business in Orchard Park, it is the Town government’s job to find and recruit these types of businesses and bring them in.

**John Marlow – 37 Brookins Green:** Mr. Marlow wanted to know how much retail is enough. His perception is that development is to be done to the fullest to maximize what can be done. He asked the Town Board to consider the empty building situation now and for the future. He also requested that we learn from the traffic problems in the Tops Plaza.

**Gerald Buchheit – President/Owner of Quaker Crossing, Inc:** Mr. Buchheit stated that good quality tenants want other good quality tenants around them. If he does not make Quaker Crossing a large retail area, he would not attract other good tenants. Mr. Buchheit stated he purchased this land to develop a retail outlet, which it was zoned for.

Supervisor Cudney said she feels the developers are put in a bit of a quagmire because the Town does not have a set Comprehensive Plan in place to illustrate what the community wants. She quoted the “2002 Land Use Study” which stated “The underlying purpose, and a major goal, of a comprehensive plan (and this study) are to promote appropriate land use, and avoid significant adverse environmental impacts in the community that it covers.” One of the Executive Summaries stated that the Town Board should utilize a Vision Map and other Town Studies to make zoning decisions. Supervisor Cudney said some of the recommendations in the “2002 Land Use Study” bring into question some of the things the Board has to consider this evening and the I-1 corridor for Orchard Park. She feels it is unwise for the Town Board to act on any rezoning requests without first adopting a land use study.

Councilman Mills was on the Town Board when they first designated the 219 corridor for Industrial Use and he has been adamant that it should remain so. Now, there is very little influx of industrial business coming into New York State, as it is not a business friendly state, and he feels that maybe it is time to “refocus on what is going on in the real world”. Councilman Mills said that many of the residents truly want high quality retail. Therefore, he feels we should open up some of the industrial land to retail use when it is a good project, as retail business also helps the tax base. He also stated that the Comprehensive Plan needs to be a living document and it has to be able to change.

**3) 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 an Amendment to the Zoning Ordinance of the Town of Orchard Park, to rezone 19 ± vacant land, for Quaker Crossing South from I-1 to B-1 Commercial to construct a 147,000 ± acres square foot retail plaza located on the south side of Milestrip Road, across the street from the existing Quaker Crossing, is hereby closed at 8:19 PM (local time).

**The resolution was unanimously adopted.**

**Town of Orchard Park  
2006-2007 Community Development Block Grant Funds  
Public Hearing Re-scheduled for Wednesday, October 26, 2005**

Supervisor Cudney stated tonight is an informational meeting and asked the Town Engineer to give a brief statement on the 2006-2007 Community Development Block Grant Funds.

Town Engineer Wayne Bieler gave a brief overview of the Community Development Block Grant program: 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 2006 Program Year. The purpose of a public hearing is to provide an opportunity for citizens to discuss the needs of the community. The Town of Orchard Park belongs to a consortium of 34 municipalities. This year the County anticipates that Federal funding for this program year will remain at current levels with approximately \$1,000,000 available for community projects. There will be a cap of \$90,000 per project with a maximum of three projects funded per municipality. This year the consortium will receive a grant of approximately \$ 3.5 million from HUD. The grant will be divided into four spending categories: 27% for Community Projects; 27% for Housing; 27% for Economic Development; and 19 % for Administration and Planning.

To be eligible for CDBG funding, the proposed project must satisfy one or more of the following national objectives: 1) Benefit Low and Moderate Income Persons, [41.9% of residents of the targeted area must be at or below the criteria of the income eligibility schedule] 2) Correct Slums and Blight, and 3) Meet an urgent community need.

It is estimated that the 2006 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. Applications for this year's Community Development Block Grant funds must be submitted by October 31, 2005.

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

- Oakwood Street Reconstruction
- Iroquois Drive Drainage
- Iroquois Drive Reconstruction
- Rural Transit Service Program

**Nick Taneff – 279 Summit:** Mr. Taneff stated that he thought the Oakwood Street Reconstruction should be given priority.

**Old Business #1 Approve the Appointment of Milton Bradshaw as Acting Assessor**

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

**RESOLVED**, that the Town Board does hereby authorize the appointment of Milton Bradshaw, who is the Acting Assessor, to Permanent Assessor for the Town of Orchard Park, and to fill the remainder of the vacant term which expires September 30, 2007.

**The resolution was unanimously adopted.**

**Old Business #2 Towne Automotive Group, 3525 Southwestern Blvd., Building Permit Request**

5) 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 Towne Automotive Group, 3525 Southwestern Boulevard, Zoned B-2, to construct a 34,805 square foot automotive dealership building. The Planning Board, 10/12/05, recommends approval of this request and of the site plan with the following stipulations:

- This is an Unlisted SEQR Action 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.
- A Landscape Completion Bond in accordance with Conservation Board minutes shall be provided for the approved landscape plan prior to the receipt of a Building Permit. The Bond shall be in the amount of \$13,800.00, or certified check for \$6,900.00
- Town Engineering Approval has been granted on 10/12/05.

**The resolution was unanimously adopted.**

**New Business #1 Supervisor to Sign Agreement with Erie County for 2005-2007 Snow Removal**

6) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR CUDNEY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN KACZOR, TO WIT:

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign the 2005-2006 Snow Removal and Ice Control Agreement between the Town of Orchard Park and the County of Erie.

**The resolution was unanimously adopted.**

**New Business #2 OP Rec. Dept. /OP Business Assoc. Request to Post Signs for Halloween Event**

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

**RESOLVED**, that the Town Board does hereby approve the request of the Orchard Park Recreation Department and the Orchard Park Business Association to change the date of the Halloween Parade, Party and Tour of Haunted Sleepy Hollow at Green Lake to Saturday, October 29, 2005, and to allow for the posting of signs for their Halloween Event.

**The resolution was unanimously adopted.**

**New Business #3 & 4 Accept Landscaping Monies that have been forfeited**

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

**WHEREAS**, the Town of Orchard Park is holding \$400.00 for landscaping to be completed at 4238 Taylor Road by Mr. Dennis Johnson, and

**WHEREAS**, the Town of Orchard Park is holding \$1,000.00 for landscaping to be completed at 7126 Ellicott Road by Mr. George Culp (Pumpcrete Corporation), and

**WHEREAS**, the Town of Orchard Park is holding \$100.00 for landscaping to be completed at 2868 Southwestern Boulevard by Miri's Cash and Carry

**WHEREAS**, the landscaping has never been installed on these projects

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board is hereby declaring the funds forfeited and accepting the above landscape monies, and transferring them from Account T-30 (Trust) to Account T-44 (Land Stewardship)

- \$400 for incomplete landscaping work at 4238 Taylor Road
- \$1,000 for incomplete landscaping work at 7126 Ellicott Road
- \$100 for incomplete landscaping work at 2868 Southwestern Boulevard

**The resolution was unanimously adopted.**

**New Business #5 Appoint Beverly Foit-Albert to the Orchard Park Historic Preservation Board**

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

**RESOLVED**, that the Town Board does hereby appoint Beverly Foit-Albert to the Orchard Park Historic Preservation Board, term ending 12/31/06.

**The resolution was unanimously adopted.**

**New Business #6 Refer to the Planning Board and/or Conservation Board**

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

**RESOLVED**, that the Town Board does hereby refer to the Planning Board, and Conservation Board, the request from Sid's on the Boulevard, 3700 Southwestern Boulevard for a building permit to erect a 16' x 24' deck to be installed adjacent to the existing building. The deck will provide seating for 16-20 people.

**The resolution was unanimously adopted.**

**ELECTED OFFICIALS & DEPARTMENT HEADS**

11) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR CUDNEY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN KACZOR, TO WIT:

**RESOLVED**, that the Town Board does hereby authorize the following budget transfers

<b>Tax Office:</b>	\$400.00	From: A.1330.413	Travel & Conference
		To: A.1330.419	Other Expenses
<b>Engineering Department:</b>	\$1400.00	From: A.1440.200	Equipment
		To: A.1440.475	Gasoline
<b>Town Clerk:</b>	\$250.00	From: B.1910.480	Contingent Budget
	\$125	To: B.8020.450	Planning/Publishing
	\$125	B.8010.450	Zoning/Publishing

**The resolution was unanimously adopted.**

Supervisor Cudney read a letter from Police Officer Joseph C. Ray, who just returned from active duty with the US Army serving in Iraq. He thanked the Town Board "for all the support that was provided to me and my family" during his absence. He also wanted to express his gratitude for the support & loyalty he received from the Town. Supervisor Cudney stated that the Town is very grateful to Officer Joe Ray for the service he has provided to this community and to our County.

Supervisor Cudney stated that she will be holding her last Supervisor's Coffee of her career as Town Supervisor this Saturday, October 22<sup>nd</sup>, in the Town Hall lobby.

Councilwoman Ackerman announced that there will be an Orchard Park Symphony concert on Friday, October 21<sup>st</sup>. This will be the first concert of the 57<sup>th</sup> season.



Councilman Jemiolo read a letter from Terry & Joe Jastrzemski, who live on South Lane. They wished to express their gratitude to the Orchard Park Highway Department for the excellent job they did on South Lane, and also wanted to thank the Highway Department for their kindness and courtesy during the reconstruction period.

Councilman Jemiolo said that he is on the Town Negotiating Committee and for the past year the Town has been working with the Highway & Sewer Departments to finalize a contract. He stated that it is hard to balance what kind of compensation employees will receive with what the taxpayers need to be responsible for, especially when you are dealing with the high quality staff that the Town has. At this time the negotiations are stuck, but he feels that an agreement can be made.

Chief of Police, Sam McCune, announced that the official Orchard Park Halloween celebration always takes place on the 31<sup>st</sup> of October, Halloween Day.

Highway Superintendent, Frederick Piasecki, announced that a portion of the grant monies for the Compost Site have been received and the balance should be in by October 31<sup>st</sup>. He stated that the South Lane project is almost completed except the landscaping, which will take place next year. Mr. Piasecki stated that the highway department is beginning the fall tree plantings and leaf pickup.

Town Engineer, Wayne Bieler, commended the Highway workers for their all their hard work and dedication with the South Lane reconstruction project. The Highway crews take a lot of pride in their work and always bring positive contributions to these projects.

#### DEPARTMENT HEADS FROM THE FLOOR

No one gave a report this evening.

12) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR CUDNEY, 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 #20 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$69,399.23
Part Town Fund	\$1,267.82
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$27,831.93
Special Districts	\$134,125.77
Trust & Agency	\$8,927.82
Capital Fund	\$104,318.84

**The resolution was unanimously adopted.**

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

**RESOLVED**, that the Town Board does hereby receive and file the following Communications listed on the agenda: Town of Boston will be holding a Public Hearing, October 19, 2005 at 7:45 PM to consider the application from Upstate Cellular Network, DBA Verizon Wireless, for a special permit for Co-Location to a Telecommunication Facility, located at 6405 Ward Road, and be it further

**RESOLVED**, that the Town Board does hereby receive and file the following reports listed on the agenda: Chief of Police's Monthly Report for September 2005, and the Building Inspector's Monthly Report & Building Permits for September 2005.

**The resolution was unanimously adopted.**

### **BUSINESS FROM THE FLOOR**

**Nick Taneff - 279 Summit Avenue:** Mr. Taneff wished to commend the Highway Department on the South Lane project and hopes the Town will settle the contract negotiations quickly; Thanked Police Department & Engineering Department for decreased truck traffic on Summit Ave.; Wished to know if the bond money confiscated could be diverted to Summit Ave.; Would like to see landscape bond money held longer; Wants landscaping to be completed by Diversified.

**Mike Stebick - 124 S. Lincoln Avenue:** He had questions regarding the negotiations with the Highway Department & about health insurance costs for the Highway Employees. He heard rumors that some employees are covered by a health plan that costs \$18,000.00, and feels this is excessive.

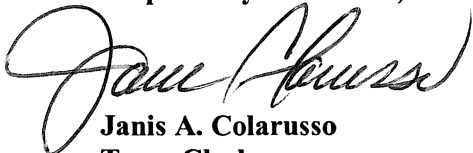
**Bob Frantsits - 4275 California Road:** Mr. Frantsits stated that he has not had drainage problems for 48 years, and this year he has had problems four times. Town Engineer Bieler stated that he has had inspectors at Mr. Frantsits property to examine what may be wrong and have not found the cause. Mr. Bieler stated that Mr. Frantsits should have a plumber come to check further. If the plumber does not find anything, call the Town Engineer, and they will check further.

**Marion Snyderman - 38 Woodview Court:** Ms. Snyderman was looking for any updates on the drainage problems in the Highland area. Councilman Mills stated that the Village Mayor may have funding source to help with the cleanup of the stream. The Town Engineer stated that FEMA & the DEC may study that stream corridor.

**Raymond Waite - 24 Auckland Avenue:** Mr. Waite stated, with regard to the rezoning issues, he feels the broken promise of the year should go the Jim Ball rezoning and what it will do to the Auckland Avenue residents. He stated he is very angry about it and wondered what would possess our elected officials to turn their back on a small residential area. Mr. Waite asked if any of the Town Board members took campaign money from Jim Ball or Benderson.

There being no more business from the floor, on motion by Supervisor Cudney, seconded by Councilman Jemiolo to wit; the meeting was adjourned at 9:23 PM (local time).

**Respectfully Submitted,**



**Janis A. Colarusso**  
Town Clerk