

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

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

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 SUPERVISOR TRAVERS MURPHY, TO WIT:

RESOLVED, that the minutes of the Meeting of the Town Board held on October 17, 2007, as presented by the Town Clerk, are hereby approved, and be it further

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

The resolution was unanimously adopted.

Public Hearing

At 7:00 PM (local time), the Supervisor called for the Public Hearing to hear all interested parties regarding the 2008 Ad Valorem and the Benefit Basis Special Districts Preliminary Budget of the Town of Orchard Park for the Year beginning January 1, 2008.

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.

Supervisor Travers Murphy stated that this proposed budget is the Supervisor's preliminary budget for spending and revenue estimates for Orchard Park Government in 2008. The Town Board has until November 20th, 2007 to adopt a budget.

At this time Supervisor Travers Murphy introduced Mr. Wayne Drescher of Drescher & Malecki, the Town of Orchard Park's Accounting Firm, who assisted in the preparations of the budget. Mr. Drescher gave an overview of the budgets to the audience.

Councilwoman Ackerman asked Mr. Drescher to compare and contrast this budget in relation to those dating from 1992 to show that the tax rates have remained steady. Councilman Kaczor also asked Mr. Drescher to comment on the fiscal stability of the Town. He explained both of these requests.

Supervisor Travers Murphy asked if there was anyone in the audience that would like to speak regarding the proposed budget for the Year 2008.

Barbara Little – Ms. Little asked why the 2007 salaries for elected officials were not included with the proposed 2008 salaries for comparison. Councilman Kaczor explained that there were no increases for elected officials.

Jane Shumaker – Ms. Shumaker asked Mr. Drescher if there was a figure for what portion of the budget was health and benefits for employees. Mr. Drescher stated that there isn't a total number, but is broken down in different areas. She asked if there was a clear cut percentage number and commended the efforts of the Town Board to bundle insurance. Councilman Kaczor stated that most of the benefits are tied to collective bargaining agreements. Councilman Dietrick asked Mr. Drescher if the budget could be structured to reflect the employee benefits attributed to each department.

Ron Stadelmaier – Mr. Stadelmaier had concerns regarding the cost of health benefits and hoped the Town Board could remedy it. He stated that he read the budget and did some comparisons from previous budgets and found opportunities for savings. He felt the budget was too loose and could be tighter. He stated that every year there are fund balances and these surpluses are turned over as revenue for the next year giving the Town a false sense of security. He stated that perhaps the Town Board could do a better job budgeting. Councilman Kaczor stated that there is a certain amount the Town needs for liquid funds for its bond rating. Orchard Park has a very successful rate for obtaining grants and this money is available for the required matches that are needed. Mr. Stadelmaier referred to the Benefit Basis Special District Budget and Sewer District #16, which is his district at Eaglebrook Drive, The Green and Brimfield Ct. He stated that the residents in this district are subject to an annual fee from the Town of West Seneca for discharging to their town and they are assisting them in paying for redoing their sewers through a consent order. He asked the Town Board if there was something they could do to help in assisting these residents for sewer tax relief. Town Engineer Bieler stated that the Town is investigating the possibility of incorporating a public improvement project where they might be able to reroute and perform work on the sewers that would put that neighborhood into the Sewer District #3 trunk line rather than going into West Seneca. Councilman Kaczor stated that the Town Board is waiting on a capital project for that area until all the information is obtained in regard to turning over the sewer system to Erie County. If the County were to take over the system it would probably occur in late in 2008, early 2009. There is an informational meeting scheduled with the Erie County representatives at November 28, 2007 at 6:00 PM.

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

RESOLVED, that the Public Hearing in the matter of the 2008 Ad Valorem and the Benefit Basis Special Districts Preliminary Budget of the Town of Orchard Park for the Year beginning January 1, 2008, is hereby closed at 7:33 PM (local time).

The resolution was unanimously adopted.

Schedule Public Meeting for Wednesday, November 14 & 15 to Conclude Discussion on the Budget

3) 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 reschedule a Special Meeting to continue discussion and adopt the 2008 budgets, for Wednesday, November 14, 2007 at 4:30 PM and if needed, Thursday, November 15, 2007 at 6:00 PM in the Supervisor's Conference Room, unless otherwise posted at the Orchard Park Municipal Center.

The resolution was unanimously adopted.

PUBLIC HEARING

At 7:34 PM (local time), the Supervisor called for the Public Hearing to hear all interested parties for or against the adoption of a Proposed Local Law for the Year 2007:

Moratorium on Commercial Construction on North Buffalo Road

"A moratorium is hereby imposed on any construction on premises which have frontage on North Buffalo Road between Southwestern Boulevard and the Orchard Park Village Line. No building permits may be issued during the moratorium for construction of any structures which have frontage on North Buffalo Road between Southwestern Boulevard and the Orchard Park Village line. This moratorium shall continue for one hundred eighty (180) days commencing on the date this Local Law is adopted. Once this law has been adopted, a copy of this law will be submitted, pursuant to General Municipal Law §239m, to the Erie County Planning Board. "

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 Supervisor Travers Murphy opened the Public Hearing to hear all interested persons for or against the Proposed Amendment to the Town Code of Ordinances.

Jim Crow – Mr. Crow asked why the moratorium was limited only to North Buffalo Road. Councilman Kaczor stated that this proposed moratorium is not to stop development in this area, but to address architectural concerns and standards. Councilman Dietrick stated that he is not in favor of moratoriums, but would vote on this due to the architectural value to the community. Councilwoman Yeomans stated she proposed that the moratorium be extended down through the Milestrip Road corridor for safety reasons, but it was declined.

Ron Stadelmaier – Mr. Stadelmaier asked about the committee being established. Councilwoman Ackerman stated the Town Board would establish a committee that would be composed of possibly some previous members along with new candidates, regenerating the work that had been started two years ago. She stated that this legislation is imperative for future development to finish that work. Mr. Stadelmaier asked if the committee would be chosen by the new policy for committees and board appointments. Councilwoman Ackerman stated that previous committees members would be reinstated, but new members would be considered by the new policy. Mr. Stadelmaier asked if there would be any potential for this moratorium to be extended north of Southwestern Blvd. Councilwoman Ackerman stated that there has not been any discussion regarding that area, but would if the Town Board felt it was appropriate. Mr. Stadelmaier stated that he felt the moratorium would be a good idea and asked that the Town Board consider a moratorium in the northern sections of Town. Councilman Kaczor stated that the Town Board has been trying very hard to be more sensitive to the needs of the neighbors of that area.

Jane Shumaker – Ms. Shumaker asked about the amount of homes affected on North Buffalo Road. Councilwoman Ackerman stated that it not only the concern for the homes on North Buffalo Road, but also the homes of the surrounding area. This moratorium would address such issues such as clearing property, streetscape and architecture. Ms. Shumaker stated that she felt the moratorium would benefit the Town.

John Sawicz – Mr. Sawicz was in favor of the moratorium and would like to see it extended to other areas in the Town.

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

RESOLVED, that the Public Hearing in the matter of the Proposed Local Law for the Year 2007; *Moratorium on Commercial Construction on North Buffalo Road*, is hereby closed at 7:55 PM (local time).

The resolution was unanimously adopted.

Adopt Moratorium on N. Buffalo Rd./Southwestern Boulevard & the Orchard Park Village Line

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

WHEREAS, a public hearing was scheduled this evening (11/7/07) to hear all interested persons for or against a Moratorium on North Buffalo Road between Southwestern Boulevard and the Orchard Park Village line.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does adopt Local Law #9 for the Year 2007, as follows:

"A moratorium is hereby imposed on any construction on premises which have frontage on North Buffalo Road between Southwestern Boulevard and the Orchard Park Village Line. No building permits may be issued during the moratorium for construction of any structures which have frontage on North Buffalo Street between Southwestern Boulevard and the Orchard Park Village line. This moratorium shall continue for one hundred eighty (180) days commencing on the date this Local Law is adopted. Once this law has been adopted, a copy of this law will be submitted, pursuant to General Municipal Law §239m, to the Erie County Planning Board. "

AND BE IT FURTHER RESOLVED, that the Town Board does hereby declare a SEQR Negative Declaration.

Councilman Dietrick stated the subject of expanding the moratorium has been considered, but presently there are no merits for that action regarding this resolution.

The question of the adoption was put to a vote which resulted as follows:

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

The resolution was unanimously adopted.

Old Business #1 Adopt the Amended Minutes of the Town Board Meeting; October 3, 2007

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

RESOLVED, that the amended minutes of the Town Board held on October 17, 2007, as presented by the Town Clerk, are hereby approved, and be it further

RESOLVED, that the business from the floor reads appropriately by adding names and comments that had been omitted.

The resolution was unanimously adopted.

Old Business #2 Award the Bid for the OP Police Department Interior Alteration Project

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

WHEREAS, bids were opened for the Orchard Park Police Department Interior Alterations Project on November 2, 2007, and

WHEREAS, the project was bid with three alternates to be added to the base bid if allocated funding proved adequate. Alternates #1, #2, #3 include the bullet proof door installation, Watson Dispatch consoles per specifications, and an alternate console respectfully, and

WHEREAS, the Engineering Department and the Town's Architect Robert Gill, R.A., have reviewed the prices of the thirteen contractors who submitted bids for General Construction and the six contractors who submitted bids for Electrical Construction. The lowest bid for General Construction of \$79,859.00 was below the engineer's estimate of \$89,000.00 for the project. This bid enclosed a 5% bid bond instead of the required \$8,000 bid bond. The Town Attorney has stated that a proper bond amount per specification could be submitted to replace the 5% bid bond. The Town has received the proper \$8,000 bid bond from the contractor. The lowest bid for Electrical Construction of \$10,495.00 was below the Engineer's estimate of \$12,000.00 for the project, and

WHEREAS, the low bidder for General Construction on this project was Metro Development, LLC. The low bidder for Electrical Construction on this project was Lackawanna Electric. Both companies have successfully completed various similar projects in the past and have been found to have the qualifications and experience to perform this work adequately. I have no reservation about their capabilities, and

WHEREAS, among the alternates bid for this project is a bullet resistant entry door. The price bid for this entry door is \$7,550.00, which is not included in the \$72,309.00 recommended award total. The other alternate is for Watson Dispatch Consoles as recommended by the Police Chief is included, and

WHEREAS, the Town has appropriated funding, \$95,814 allocated under Capital Project H-70 "Police Wing Remodeling" for this project. Additional cost from FM Communications for temporary and permanent radio and phone work will be handled under separate contract.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby award the contract for the Orchard Park Police Department Interior Alterations Project – General Construction, including the Base Bid, and Alternate No.2, to the lowest responsible bidder, Metro Development, LLC, 54 Bank Street, Orchard Park, New York 14127 in the amount of \$72,309.00, and be it further

RESOLVED, that the Town Board does hereby award the Electrical Construction to Lackawanna Electric, 3021 Baker Road, Orchard Park, New York in the amount of \$10,495.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #1 Approve PIP 2007-05 for East Quaker Road Sanitary Sewer Extension

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

WHEREAS, the Engineering Department has received from John Fitzgerald, 7594 East Quaker Road, Orchard Park, New York, an application for a Public Improvement Permit to construct a sanitary sewer extension on East Quaker Road, and

WHEREAS, the project consists of the installation of 129 L.F. of sanitary sewer and one (1) manhole to serve one (1) existing home, and

WHEREAS, the Town Engineer has reviewed the plans and specifications for the proposed project and has found them to be in compliance with current Town specifications, and the department have all necessary fees, bonds, and insurances.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Public Improvement Permit #2007-05 for the East Quaker Road Sanitary Sewer Extension, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #2 Award the Contract for Archaeological Reconnaissance for Brush Mountain

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

WHEREAS, as part of the SEQR requirements the Town is required to investigate Brush Mountain Park and Brush Mountain Park West for archaeological artifacts. The work will consist of record investigation along with field investigative work. The Town of Orchard Park is required to directly contract the cultural resources survey for these projects and add their findings to the SEQR document, and

WHEREAS, in order to keep the project on schedule; cultural resources survey must be completed before the Town can complete the SEQR process per NYSDEC. The Town Engineer has solicited services from three area consultants, Rochester Museum & Science Center, Pan-American Consultants, and Archaeological Survey UB, and

WHEREAS, the cultural resources survey will be completed at one time for the entire Brush Mt. and Brush Mt. West site. A Phase IA Cultural Resource Investigations will be conducted with an examination of the site files held at the NYSOPRHP, documentation of the soil capabilities within the project area and an analysis of historic maps and atlases. A Phase IB Cultural Resource Investigation will involve the excavation of shovel test pits at 50-ft intervals within the project area. It is estimated that approximately 700 shovel test pits will be needed to adequately assess the APE for archaeological resources. Rochester Museum of Science estimated cost to complete the above mentioned work is \$13,252.25, and

WHEREAS, there is presently \$47,241.48 (\$17,100 undedicated) allocated under Capital Project H-51 "California Rd. Park Master Plan", or \$39,155 allocated under Capital Project H-13 "California Rd. Parkland Improvements" that could be used for this project.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with Rochester Museum of Science/Regional Heritage Preservation Program, 657 East Avenue, Rochester, New York 14607, to provide cultural resource survey and report for the Brush Mountain Park and Brush Mountain Park West Projects in an amount not to exceed \$13,252.25.

Councilman Kaczor stated that this is directly related to the Brush Mountain Recreational project, which would ultimately have to be funded in the future.

The resolution was unanimously adopted.

New Business #3 Authorize the 2007 Commercial Parking Permit for 3785 Abbott Road

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

RESOLVED, that the Town Board does hereby authorize the 2007 Commercial Parking Permit for Joseph Yemma, 3785 Abbott Road, as recommended by the Building Inspector and Chief of Police.

The resolution was unanimously adopted.

New Business #4 Authorize the Supervisor to Sign/Contract for Removal of Snow on County Roads

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

WHEREAS, the Erie County Department of Public Works, Division of Highways have sent the 2007-2010 Snow Removal Contracts, and

WHEREAS, Highway Superintendent and Town Attorney have reviewed the contract and found everything in order.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the 2007-2010 Snow Removal Contract and Ice Control Agreement with the County of Erie, as recommended by the Highway Superintendent and Town Attorney.

The resolution was unanimously adopted.

New Business #5 Town Board to Cancel the November 21st Meeting due to Thanksgiving Holiday

12) 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 cancel the November 21st Meeting of the Town Board due to the Thanksgiving Holiday. The next Town Board Meeting is scheduled for Wednesday, December 5, 2007 at 7:00 PM.

The resolution was unanimously adopted.

New Business #6 Authorize a Traffic Order for a 35 MPH Speed Limit for S. Benzing Road

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

WHEREAS, pursuant to the authority granted by §1662-A of the Vehicle and Traffic Law of the State of New York, and

WHEREAS, the Police Chief and Highway Superintendent have recommended posting "35 MPH" speed limit sign on South Benzing Road

NOW, THEREFORE, be it

ORDERED, that a "35 MPH" speed limit sign be posted as a linear speed limit on the above referenced highway, and it is further

ORDERED, that the Orchard Park Superintendent of Highways is hereby directed to post the proper and necessary sign following receipt of this order.

The resolution was unanimously adopted.

New Business #7 Supervisor - Letter to County for "Four Way Stop" Sign/Gartman @ Scherff Rd.

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

WHEREAS, at a meeting of the Public Safety Committee, 10/23/07, it was discussed that a "Four Way Stop" sign(s) at the intersection of Scherff Road and Gartman Road is recommended. The placement of the sign(s) would be the responsibility of the Erie County Department of Transportation, as these are both County Roads.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to send a letter to the Erie County Department of Transportation to place a "Four Way Stop" sign(s) at the intersection of Scherff Road and Gartman Roads, as recommended by the Public Safety Committee.

The resolution was unanimously adopted.

New Business #8 Refer to the Planning Board and Conservation Board:

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

RESOLVED, that the Town Board does hereby refer the following items listed on the agenda to the Planning Board and Conservation Board: (Not on agenda) 1.) Thorn Avenue Animal Hospital, 188 Thorn Avenue, Zoned B-2: Requesting to construct an addition to the existing Animal Hospital. 2.) Aquatic Science, 40 Centre Drive, Quaker Centre Business Park, Zoned I-1: Requesting the use and occupancy classification of the Aquatic Sciences facility to be changed to allow the installation and operation of a test tank inside the current storage/warehouse area for the development of remote operated vehicles for use in inspecting submerged conduits and pipelines.

The resolution was unanimously adopted.

Elected Officials & Department Heads

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

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

Engineering	From:	\$1,200.00	A.1440.200	Engineering Equipment
	To:	\$1,200.00	A.1440.475	Gasoline
	From:	\$10,500.00	A.1440.139	Part-time budget
	To:	\$10,500.00	A.1440.111	Asst. Engineer & Inspector
Sewer & Water	From:	\$4,000.00	001.8346.250	General Equipment
	To:	\$4,000.00	001.8346.475	Gasoline
Maintenance	From:	\$5,000.00	A.1620.0445	Buildings-Remodeling & Renovation
	To:	\$5,000.00	A.1620.0446	Buildings-Contractor Repair/Maint.
Town Clerk	From:	\$150.00	A.1410.0450	Publishing
	To:	\$150.00	A.1410.0419	Other Expenses
Assessor	From:	\$1,000.00	A.1355.0455	Board of Assessment Review
	To:	\$600.00	A.1355.0455	Maintenance of Equipment
		\$400.00	A.1355.0200	Office Equipment

Councilman Dietrick stated that it was brought to his attention by a resident that there seemed to be more budget transfers later in the year, which may be an indication that there is softness in some of the budgets. Councilman Kaczor added that there was discussion at the budget meeting regarding budget transfers and it was decided to set up specific standards for these between budget lines for next year.

The resolution was unanimously adopted.

17) 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 request of the Village of Orchard Park to hold the "Holiday in the Park Celebration" scheduled for Saturday, December 1, 2007. The Village would use of Town owned property east of the Railroad Depot for the festivities on December 1st, 2007 for the festivities through the January 8th, 2007 to display the decorated trees. The insurance certificate covering this event has been submitted.

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby authorize the request of Senior Center Director, Anna Williams, to hire Barbara Connerton of 40 Princeton Place, Orchard Park, as a Laborer, part-time at \$10.00/hr. to clean at the Senior Center three mornings a week from 8:00 AM to 10:00 AM.

The resolution was unanimously adopted.

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

WHEREAS, the Town wishes to proceed with a request and application for funding from the Erie County CDBG Consortium for assistance in funding drainage improvements on Iroquois Drive, and

WHEREAS, as a part of this Community Development Grant Program the Town is required to provide at least a 50% matching share of project costs, and

WHEREAS, the Town share of such funding can be transferred from other capital projects which are not currently prepared to proceed

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorize the establishment of a new capital project entitled "Iroquois Drive Drainage" (project H81) with authorized project appropriations of \$200,000 (with \$100,000 to be funded by the Town and \$100,000 to be funded from a Federal CDBG grant), and be it further

RESOLVED, that the Town Board authorizes the transfer of \$20,000 from the Road Reconstruction Capital Project (project H58) and \$80,000 from the Green Lake Dam Rehabilitation Capital Project (project H19) to the Iroquois Drive Drainage Project.

The resolution was unanimously adopted.

Councilwoman Ackerman mentioned that Veterans Day Ceremony would be held on Sunday, November 11, 2007 at 11:00 AM at Veterans Park in the Village.

Councilwoman Ackerman also talked about a letter she received from Linda Gernold. Ms. Gernold stated in the letter how wonderful and grateful she was for the Orchard Park Police and Fire Departments when her son Matthew got into an accident on October 26, 2007. She stated she was so thankful for Police Officer Schiedel for the way he conducted himself when he came to her door in the early hours of the morning to tell her that her son was in an accident but had only minor injuries, plus the phone call from Officer Schiedel that evening to find out how Matthew was doing. Mrs. Gernold also mentions how Fire Fighter Reid Holmes was so helpful by offering to take her to the hospital to meet up with the ambulance. Councilwoman Ackerman stated Mrs. Gernold expressed her gratitude for having such a wonderful Police Department and Fire Department in Orchard Park.

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

WHEREAS, southern Erie County in general, and Orchard Park in particular, is home to many historical and cultural assets, as well as great scenic beauty, and

WHEREAS, the Western New York Southtowns Scenic Byway grew out of an idea of Orchard Park resident Robert Lennartz to preserve the scenic beauty and showcase the natural historic and cultural assets of southern Erie County, and

WHEREAS, Robert Lennartz chaired and directed the Western New York Southtowns Scenic Byway Committee, working tirelessly for five years to bring his dream to reality, and

WHEREAS, the New York State Department of Transportation's Scenic Byway Advisory Board unanimously approved the Western New York Southtowns Scenic Byway on October 18, 2007, and

WHEREAS, the residents of Orchard Park will now enjoy the benefits of Scenic Byway designation throughout much of the town and village, including the preservation of scenic views and increased tourism opportunities

NOW, THEREFORE, be it

RESOLVED, that the Town of Orchard Park commends Robert Lennartz for his efforts and accomplishments in gaining Scenic Byway status for much of Orchard Park for preserving scenic beauty in Orchard Park and promoting our cultural and historical assets for generations to come.

Councilman Dietrick stated at this time this scenic byways also includes Route 277 and Route 240, which is called the Scenic Byway Loop. Councilman Kaczor stated Mrs. Mary Lennartz should be recognized this evening for giving Bob the idea and for helping him move forward.

The resolution was unanimously adopted.

Robert Lennartz thanked the Town Board, and all the prior Town Boards, the citizens of Orchard Park and the Southtowns, for all their support. He stated the whole byway is a fifty (50) mile stretch of highway and the next step is to get the Legislature and the Governor to pass a law to preserve the view of this byway.

Councilwoman Yeomans stated on Veterans Day there will be a ceremony to add four more photographs to the Wall of Heros in the lobby of the Municipal Building. She also stated the Boards & Committee Appointment Policy and the form is now on the web-site.

Councilman Kaczor stated he received a letter from the United States Department of Interior that stated Orchard Park is now certified under the Federal Level, under the provisions of §101-C, of the National Historic Preservation Act. The date of certification will be recorded as the date of the letter, which is October 23, 2007.

Councilman Dietrick referred to the 2008 budget stating that he believes the union contractual agreements with the Town does not leave the Town with much money to work with. Mr. Dietrick stated he does have some suggestions to help the Town with the 2008 Budget. He believes a greater use of part-time positions and revamping the fee schedule would help. Councilman Dietrick stated with the way things stand now, the rich get richer and the poor get poorer. He believes the union employees get richer, while the non-union employees, elected officials and all part-time employees get poorer. Councilman Dietrick stated the burden of increase cost with health insurance and benefits should be applied to the individual departments they came from. He stated budget restraints should be placed on the individual departments.

Supervisor Travers Murphy stated the Engineering Department and Building Department are reviewing their fee schedule and will be presenting them to the Board next week. She also stated the Town Board is looking into other areas that will bring the health insurance costs down. She stated she has spoken with the Town of Hamburg Supervisor about possibly collaborating on health insurance and the Town Board will be talking with a company that is working with the County of Erie.

Town Clerk Janis Colarusso concurred with Councilman Dietrick and stated she did not believe it was fair that she was not receiving a raise in 2008, as her living expenses would rise along with everyone else.

Councilman Kaczor stated he did not agree with everything Ms. Colarusso stated.

Police Chief McCune stated Halloween was without incident last week and he thanked the citizens of Orchard Park for making it a very safe, happy and secure event.

Highway Superintendent Piasecki stated his department is continuing to pick leaves and brush. He also stated they are finishing up the drainage project on Berkley Drive.

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

RESOLVED, that the Town Board does hereby authorize the approval of all entries on Warrant #21 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$ 196,635.70
Part Town Fund	\$ 7,644.75
Risk Retention	0
Cemetery Fund	0
Highway Fund	\$ 131,793.97
Special Districts	\$ 61,514.40
Trust & Agency	\$ 6,855.99
Capital Fund	\$ 33,078.13

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby authorize to receive and file the following Communications listed on the agenda: **Waste Management of NY, LLC**: Solid Waste and Recycling Report for the 2nd quarter of the year 2007 for the Town of Orchard Park, and **Orchard Park Public Safety Committee**: At a meeting of the Public Safety Committee, 10/23/07, it was discussed to place "Stop" sign(s) at Ashwood Lane, Arrowwood Lane and Graystone Lane. The committee believes there are enough "Stop" signs presently and does not recommend any more postings of "Stop" sign(s) as a deterrent for excessive speed, and be it further

RESOLVED, that the Town Board does hereby authorize to receive and file the following Reports listed on the agenda: Building Inspector's Monthly Report & Building Permits for October 2007, and Chief of Police's Monthly Report for October 2007.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Jim Suplicki – Mr. Suplicki stated he was very disappointed with the elections this year. He believes the mud slinging was uncalled for.

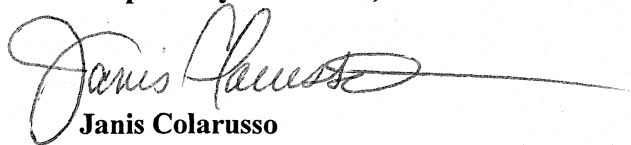
Jane Shumaker – Ms. Shumaker submitted a letter to the Town Board, which stated her disappointment with the application submitted by Quaker Crossing, LLC for a variance for the parking situation at the Proposed Wal-Mart Store on Milestrip Road.

John Sawicz – Mr. Sawicz voiced his disappointment with the Town Board, for he believes their concerns on any one project are only expressed when needed. He also had concerns about some of the projects around Town. His questions were answered either by a Department Head or Town Board Member. Mr. Sawicz also had concerns about the stumps on Southwestern Blvd. next to Louie's Hot Dogs.

Councilman Kaczor asked the Town Attorney if there was anything that could be done using the grubbing law in regard to Mr. Sawicz's question about the stumps on Southwestern Blvd. The Town Attorney stated that the law is in reference to subdivisions, but the Town could try to put in place another law for stump removal. Councilman Kaczor stated the Town Board will look into putting something in place for commercial property.

There being no further business from the floor, on motion by Councilman Kaczor, seconded by Supervisor Travers Murphy, to wit: the meeting was adjourned at 8:52 PM (local time).

Respectfully Submitted,



Janis Colarusso
Town Clerk

