

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 18th day of November 2009 at 7:00 PM, the meeting was called to order by the Supervisor and there were:

PRESENT AT ROLL CALL:	Nancy Ackerman	Councilwoman
	David Kaczor	Councilman
	Mark Dietrick	Councilman
	Edward Graber	Councilman
	Kathleen Swarbrick	Deputy 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:	Mary Travers Murphy	Supervisor
	Janis Colarusso	Town Clerk

Councilwoman Ackerman 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."

Deputy Town Clerk, Kathy Swarbrick, stated that Supervisor Travers Murphy was absent due to illness and Town Clerk Colarusso was at home convalescing from a medical procedure.

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

RESOLVED, that the Executive Session Meeting Minutes dated November 4, 2009, 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 as previously received copies thereof.

The resolution was unanimously adopted.

Old Business #1 Adopt the 2010 Ad Valorum Budget

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

RESOLVED, that the Town Board does hereby adopt the Town of Orchard Park 2010 Ad Valorum budget (includes General, Town Outside Village and Highway Funds) as previously filed by the Town Supervisor and known as the "Preliminary" 2010 Ad Valorum Budget with the following amendments:

Within the General Fund:

- Reduce appropriations in the following accounts:

Account			Original	Adopted	Increase
Code	Department	Description	Proposed Budget	Budget	(Decrease)
A.1110.449	Town Justice	Court Reporter	1,750	1,000	(750)
A.1220.200	Supervisor	Office Equipment	1,500	500	(1,000)
A.1220.465	Supervisor	Debt Administration	3,000	1,500	(1,500)
A.1330.100	Tax Receiver	Tax Receiver	56,021	42,707	(13,314)
A.1330.111	Tax Receiver	Deputy Tax Receiver	38,686	-	(38,686)
A.1340.100	Budget	Budget Officer	2,000	-	(2,000)
A.1355.200	Assessor	Office Equipment	1,500	1,200	(300)
A.1355.412	Assessor	Mileage Reimbursement	1,600	1,500	(100)
A.1355.412	Assessor	Training	1,700	1,500	(200)
A.1420.455	Law	Outside Legal Services	60,000	57,000	(3,000)
A.1420.460	Law	Outside Appraisals	35,000	33,250	(1,750)
A.1440.448	Engineer	Water Quality Consultants	10,000	9,000	(1,000)
A.1620.149	Buildings	P/T Personnel	5,000	2,500	(2,500)
A.1620.422	Buildings	Gas	37,000	32,000	(5,000)
A.1670.139	Central Services	Central Clerical Pool	5,000	2,000	(3,000)
A.1670.400	Central Services	Office Supplies	22,000	20,000	(2,000)
A.1670.419	Central Services	Central Copy Supplies	6,000	5,000	(1,000)
A.1910.431	Special Items	Unallocated Insurance	312,000	310,000	(2,000)
A.3120.100	Police	Police Personnel	2,724,324	2,674,324	(50,000)
A.3120.104	Police	Civilian Dispatcher	96,476	65,052	(31,424)
A.3120.105	Police	Police Matron	1,000	-	(1,000)
A.3120.215	Police	Patrol Cars	87,900	65,950	(21,950)
A.3510.201	Control of Animals	Furnance	3,000	-	(3,000)
A.7310.419	Youth Board	Other Expenses	1,000	-	(1,000)
A.9060.814	Employee Benefits	Medical Insurance (Council Stip	1,212,300	1,202,700	(9,600)
Total General Fund appropriation decreases			<u>4,725,757</u>	<u>4,528,683</u>	<u>(197,074)</u>

- Increase appropriations in the following accounts:

Account			Original	Adopted	Increase
Code	Department	Description	Proposed Budget	Budget	
A.1910.480	Special Items	Contingent	75,000	125,000	50,000
A.8560.100	Forestry	Salaries	10,000	13,680	3,680
Total General Fund appropriation increases			<u>85,000</u>	<u>138,680</u>	<u>53,680</u>

- Decrease estimated revenues in the following accounts:
 - A.1120.000 Sales Tax Distribution by \$60,000
 - A.1001.000 Real Property Taxes by \$83,394

- Decrease the amount of tax stabilization reserve appropriated by \$100,000
- Increase the amount of fund balance appropriated by \$100,000

Within the Town Outside Village Fund:

- Decrease appropriations in the following account:
 - B.3620.200 Safety Inspection – Computer Hardware by \$500
- Decrease estimated revenues in the following accounts:
 - B.1120.000 Sales Tax Distribution by \$500

Within the Highway Fund:

- Decrease appropriations in the following account:
 - DA.1910.431 Special Items – Unallocated Insurance by \$5,000
- Decrease estimated revenues in the following accounts:
 - DA.1001.000 Real Property Taxes by \$65,000
- Increase estimated revenues in the following accounts:
 - DA.1120.000 Real Property Taxes by \$60,000

Councilman Dietrick read a letter submitted by the Orchard Park Chamber of Commerce stating that they are holding the line on membership investment fees and are asking the Town to follow suit and to reduce the expense of government.

Councilwoman Ackerman read a prepared statement regarding the Town Board's effort to maintain the budget. She spoke about the increase in contractual police salaries and New York State mandated retirement, health care and fuel costs. The Town Board asked the departments to find ways to cut their budgets and did not want to use the Tax Stabilization Fund resources to reduce proposed tax increases. With the changes to the originally proposed budget, there has been a solid good faith effort to spare the tax payers as much as possible, while not sacrificing quality services. Councilwoman Ackerman stated that the Town Board was reluctant to tap the Town's financial reserves as there will continue to be requirements of the State that will impact future budgets and unforeseen emergencies, which will require significant funding, maintain a good bond rating and leverage for grant monies. Faced with these current financial constraints and appreciating all of the Town's employees, the Town Board opted to keep all of the employees at the current level, knowing that they have health insurance and a guaranteed retirement. Councilwoman Ackerman stated that since 1992 the Town Board has tried to be conservative in their operating costs of the Town government. She stated that for the average home assessed at \$150,000 at this year's 1.84% increase in the budget, it is \$18.00 less than the taxes were on the same home in 1992. Councilwoman acknowledged the Town Accountant, Wayne Drescher, and thanked him for guiding the Town through the process for the good of our community.

Councilman Kaczor also thanked Wayne Drescher for all his help, patience and accessibility to the Town Board members. He also thanked the people who offered public comment on the budget and those who submitted hard copies, which the Town Board did appreciate and consider the information. Councilman Kaczor stated that for next year's budget in terms of employees. The challenge in the years ahead will be how the Town can be more efficient in all the departments and to utilize attrition.

Councilman Dietrick stated that Supervisor Travers Murphy was very involved and supported the adoption of the budget.

Councilman Graber stated the Erie County Comptroller has indicated that the Town's portion of the New York State Retirement Fund will increase next year, due to the stock market losses.

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby adopt the Town of Orchard Park 2010 Benefit Basis budgets (which includes various special district funds) as previously filed by the Town Supervisor and known as the "Preliminary" 2010 Benefit Basis Budget.

The resolution was unanimously adopted.

Old Business #2 HSBC Bank, 3049 Orchard Park Rd, request for Bldg Permit - Drive-Thru ATM

4) 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 a Building Permit to construct an additional Drive-Thru ATM lane by extending the existing Canopy and adding a By-Pass Lane Area and approve the Site Plan received 11/6/09, based on the following conditions and stipulations:

1. This is a Type II SEQR action and therefore, no SEQR determination is required.
2. The site lighting is limited to those fixtures and poles indicated on the approved site plan. Light fixtures shall have flat lens.
3. No outside storage or display is permitted.
4. Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with §144-25 of the Town Code.
5. A three-year landscape completion bond in accordance with the Conservation Board minutes in the amount of \$3,500.00 shall be provided for the approval landscape plan received 11/6/09 which includes 37.36 % green space, prior to the receipt of a Building Permit.
6. There will be signs erected in the drive-thru area clearly stating "No Left Turn". They will be readily visible prior to exiting in the third lane, fourth lane and by-pass lanes.

The resolution was unanimously adopted.

New Business #1 Appointment to Recreation Dept. Staff for Fall/Winter 2009/2010

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

RESOLVED, that the Town Board does hereby authorize the following staff appointments to the Recreation Dept. for Fall/Winter 2009/10, dependent upon the applicant providing the required certifications.

Name	Address	Rate	Position (Title)
Kathleen Goodman	132 Meadowbrook Dr.	\$15.00	PT6-D (Att.)
Rita Krawczyk	100 N. Lake Dr. #8	\$ 9.50	PT2-D (Att.)
Anna McArdle	55 Jolls Lane	\$ 8.50	PT1-E (Att.)

The resolution was unanimously adopted.

New Business #2 OP Village request to use Town property for Annual “Holiday in the Park”

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

RESOLVED, that the Town Board does hereby approve the request from the Village of Orchard Park to use Town owned property east of the Railroad Depot to hold their annual “Holiday in the Park” Celebration festivities on Saturday, December 5, 2009, through January 6th, 2010 to display the decorated trees. The Village has submitted the required Certificate of Liability.

Councilwoman Ackerman added that the Library Book Sale would coincide with this event.

The resolution was unanimously adopted.

New Business #3 Appointment of Tom Roward to fill Vacancy on the Recreation Commission

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

RESOLVED, that the Town Board does hereby appoint Tom Roward, 6276 West Quaker Street, to fill the vacancy on the Recreation Commission previously held by Robert Fortenbaugh. This term will expire on December 31, 2013.

Councilman Kaczor stated that there were many interviews with qualified candidates. Mr. Roward grew up on the baseball fields in Orchard Park and is President of the Little League, and believes he will be an excellent addition to the Recreation Commission.

The resolution was unanimously adopted.

New Business #4 Public Safety Committee recommendation for “Deer” crossing signs on Lake Ave.

7) 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 posting of two “Deer Crossing” signs on Lake Avenue, one 200 ft. east of Minden Drive and another 500 ft. west of Bielak Road at the request of Nancy Lomison, 5532 Lake Avenue, as recommended by the Public Safety Committee.

The resolution was unanimously adopted.

New Business #5 Public Safety Committee recommendation to send letter to NYSDOT

8) 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 a letter to the New York State Department of Transportation to assess the possibility of reducing the 55 mph speed limit on Southwestern Boulevard between Hazel Ct. and Lydecker Road, at the request of Richard Koch, 2302 Southwestern Boulevard, as recommended by the Public Safety Committee.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Dr. Patrick Keem – Dr. Keem wanted to publicly concede and congratulate Janis Colarusso, the newly elected Town Supervisor. He is sincerely happy for her and is proud of the campaigns they conducted. He moved to Orchard Park 5 years ago and has a deeper appreciation for our community and enjoyed meeting the people who live here. Dr. Keem stated that he has a new found respect for our politicians and all the work they do. Dr. Keem stated it was an honor and privilege to seek to serve the public and an experience he will never forget.

John Marlow – Mr. Marlow thanked Supervisor Travers Murphy for posting the budget and other issues on the internet and hopes Supervisor elect, Janis Colarusso, will continue to keep this policy of openness. Mr. Marlow wanted to set the record straight in regard to an editorial on November 12, 2009 titled “Don’t cut the Recreation budget” in the *Orchard Park Bee* stating that the Recreation Department has produced more money than it has cost the Town. Mr. Marlow strongly disagreed with this opinion and presented his facts and figures. He hopes that the Brush Mountain Master Plan will be posted on the website for the residents to review.

ELECTED OFFICIALS & DEPARTMENT HEADS

9) 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 authorize the following Budget Transfers:

\$ 1,763.74	From: A.3510.0475	Dog Control - Gasoline
	To: A.35100448	Dog Control - Maintenance
\$ 600.00	From: A.2989.0491	D.A.R.E. Expenses
	To: A.0000/2705	D.A.R.E. Gifts & Donations
\$ 6,300.00	From: 800.8161.0416	Composting-Gas, Fuel, Oil, Anti-Freeze
	To: 800.8161.0149	Composting-Part time Help
\$ 10,000.00	From: DA.5130.0200	Highway-Machinery
	To: DA.5130.0419	Highway-Other Expense

The resolution was unanimously adopted.

Councilwoman Ackerman spoke about the election for Town Supervisor and what a refreshing and clean race that both candidates ran. She stated that both were good, kind people and we are blessed to have them in our community. Councilwoman Ackerman volunteered to go down to the Board of Elections, along with two other people to review every ballot cast for the Supervisor. She felt that both candidates needed closure and she would share her notes with them. Councilwoman Ackerman reported that the employees at the Board of Elections were hardworking, professional and patient.

Councilman Graber talked about Dr. Keem’s work with the County regarding taxes and ways to address potential issues. One of the areas in the budget Supervisor elect Colarusso and Dr. Keem have discussed, is the benefits package. Councilman Graber stated that the Town needs to find a solution towards reining that in, because at the rate the benefits are going up in government, it not sustainable. He asked Dr. Keem to continue his participation in our Town government.

Councilman Dietrick informed the audience of the passing of Martin Winnert, a long time resident, businessman, developer and benefactor in Orchard Park. He went out of his way to support and talk about the people regardless of affiliation, who he sincerely thought were best for this Town. Councilman Dietrick presented and read the plaque honoring the Town of Orchard Park with a ***Certificate of Recognition*** celebrating 75 years of service to the Town in appreciation for its long-term commitment to the residents of our community from the Orchard Park Chamber of Commerce.

Councilman Kaczor stated that on November 23, 2009 there will be a press conference at Arthur's Home Furnishings to announce the new ***Story Walk*** program sponsored by the Recreation Department for families to enjoy through the holiday season. Councilman Kaczor told Mr. Marlow he was correct that the Recreation makes money, but the Parks portion of the budget fall under the Highway Department. Councilman Kaczor stated that the Recreation Director, Ed Leak, actively seeks money through sponsorships and other ways to raise money for the Recreation Department. The Town covers about 60% of the activities of the Recreation Department through fees. Recreation is a quality of life issue and the Town is proud of our Recreation Department, which brings families together at a minimal cost. Councilman Kaczor stated that during tough economic times, people tend to stay close to home and utilize the Recreation facilities more.

Highway Superintendent Piasecki stated that the highway is continuing to pick up leaves and the snow equipment is ready.

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 approval of all entries on Warrant #22 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$42,077.17
Part Town Fund	\$1,236.89
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$19,495.22
Special Districts	\$110,708.27
Trust & Agency	\$7,778.38
Capital Fund	\$434,098.33

The resolution was unanimously adopted.

11) 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 ***Communications***:

- Brush Mountain Park Master Plan – Final Report from P.J. Smith.
- New York State Department of Public Service – Public Awareness Campaign to use energy wisely and the wide range of resource available to assist customers in paying their heating bills.
- Erie County Housing Options (ECHO) – Letter to announce start-up of program to provide homelessness prevention assistance to households that would otherwise become homeless. This program will function within the Erie County Community Development Block Grant Consortium.

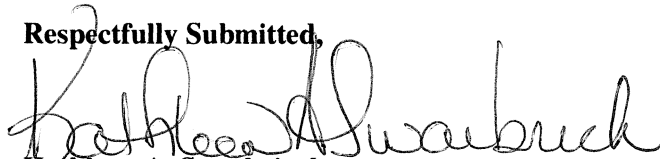
- Letter from the Orchard Park Chamber of Commerce in support of reducing expense of Town government.

The resolution was unanimously adopted.

Councilwoman Ackerman wished everyone a Happy Thanksgiving and reported that there would not be a work session next Wednesday, November 25, 2009 due to the holiday.

There being no further business, on motion by Councilwoman Ackerman, seconded by Councilman Kaczor, the meeting was adjourned with a moment of silence for a long time Orchard Park business man and friend to the community, Martin Winnert at 7:45 PM (local time).

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read 'Kathleen A. Swarbriack'.

**Kathleen A. Swarbriack
Deputy Town Clerk**