

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 6th day of December 2006 at 7:00 PM, (local time). The meeting was called to order by the Supervisor and there were:

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

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

At this time Councilwoman Ackerman stated she would be conducting the meeting for Supervisor Travers Murphy, who was present, had laryngitis.

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

RESOLVED, that the minutes of the Meeting of the Town Board held on November 1, 2006 and the amended Special Meeting/Executive Session Minutes held on July 26, 2006, 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.

The November 15, 2006 minutes were tabled for further review by the Town Board.

PUBLIC HEARING

At 7:00 PM (local time) Councilwoman Ackerman called for the Public Hearing to hear all interested parties for or against the Proposed Perpetual Conservation Easements for: Mr. & Mrs. Kabza, 5605 Armor Duells Road, for a 75 year Conservation Easement for 8 acres and Mr. & Mrs. Slomka, 6310 Cole Road, for a Perpetual Conservation Easement for 8.67 acres.

In addition, the Town Assessor is to determine the valuation of the property, taking into account the limitation on the future use of the land, imposed by such Conservation Easement.

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

Councilwoman Ackerman asked if there was anyone in the audience who would like to speak for or against the application for the Conservation Easement.

Comments from the floor: No One Spoke

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

RESOLVED, that the Public Hearing in the matter of the Proposed Conservation Easement for Mr. & Mrs. Kabza, 5605 Armor Duells Road, for a 75 year Conservation Easement for 8 acres, and Mr. & Mrs. Slomka, 6310 Cole Road, for a Perpetual Conservation Easement for 8.67 acres, is hereby closed at 7:07 PM (local time).

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby accept the following Conservation Easements for Mr. & Mrs. Kabza, 5605 Armor Duells Road – for a 75 year Conservation Easement for 8 acres, and Mr. & Mrs. Slomka, 6310 Cole Road – for a Perpetual Conservation Easement for 8.67 acres, as recommended by the Conservation Board, and be it further

RESOLVED, that the Town Assessor is to determine the valuation of the property, taking into account the limitation on the future use of the land imposed by such Conservation Easement.

The resolution was unanimously adopted.

Public Hearing

At 7:08 PM (local time) Councilwoman Ackerman called for the Public Hearing to hear all interested parties for or against the Proposed Local Law for the Year 2006 – **Section 124-2 is hereby repealed and replaced with the following (new) Section 124-2:**

No exemption shall be granted under the provisions of this article unless the following conditions are met:

(A) Income of owner.

- (1) Real property owned by one or more persons, each of whom is 65 years of age or over, or real property owned by husband and wife, one of whom is 65 years or over, shall be exempt from the general Town tax in accordance with the following table.

Percentage of Valuation	
<u>Annual Income</u>	<u>Exempt from Taxation</u>
Income up to 18,500	50% Exemption
18,501-19,500	45% Exemption
19,501-20,500	40% Exemption
20,501-21,500	35% Exemption
21,501-22,500	30% Exemption
22,501-23,300	25% Exemption
23,301-24,200	20% Exemption
24,201-25,100	15% Exemption
25,101-26,000	10% Exemption
26,001-26,900	5% Exemption

All sums reflected in the above referenced chart shall increase by Five Hundred (\$500.00) dollars in 2008 and by an additional Five Hundred (\$500.00) dollars in 2009.

§124-3.2 calculation of income; medical and prescription expenses is hereby repealed.

Affidavits and Publication 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 Councilwoman Ackerman asked if there was anyone in the audience who would like to speak for or against the application for the Conservation Easement.

Comments from the floor: No one spoke.

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

RESOLVED, that the Public Hearing in the matter of the Proposed Local Law for the Year 2006: Section 24-2 & Section 124-3.2, is hereby closed at 7:10 PM (local time).

The resolution was unanimously adopted.

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 adopt Local Law #2 for the Year 2006 – §124-2 and §124-3.2, as recommended by Town Assessor Bradshaw.

The resolution was unanimously adopted.

Old Business #1 (Tabled) Authorize the Establishment of a New Capital Project/Telephone System

Authorize the establishment of a New Capital Project entitled “Acquisition/Installation of Telephone System” (project H79); with authorized expenditures not to exceed \$80,000, and the transfer of \$80,000 from the General Capital Reserve (Project H27) to the Acquisition/Installation of Telephone System Project (project H79). Tabled at the November 15, 2006 Town Board Meeting.

New Business #1 Town Assessor request to attend “The Cusack Training Center”

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

RESOLVED, that the Town Board does hereby authorize the Town Assessor, Milton Bradshaw, to attend “The Cusack Training Center” on Tuesday, December 19, 2006, for continuing education, entitled Nation Uniform Standards of Professional Appraisal Practice (USPAP) Update. The cost of the class shall be submitted the State for reimbursement.

The resolution was unanimously adopted.

New Business #2 Authorize Supervisor to Sign Agreement-OP Library Brd 2006 Grant Application

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

WHEREAS, the Orchard Park Public Library is applying to the New York State Education Department, New York State Library, Division of Library Development, "\$14 Million Public Library Construction" grant program for funds to support improved, energy efficient lighting and window replacements as well as a handicapped entranceway in the Orchard Park Public Library, a building owned and maintained by the Town of Orchard Park and located within the jurisdiction of this Orchard Park Town Board, and

WHEREAS, as a requirement of these programs, said public libraries must obtain "Certification of Project Approval from the local municipality"

NOW, THEREFORE, be it

RESOLVED, that the Orchard Park Town Board does hereby approve and endorse the request for \$129,652 submitted by the Orchard Park Public Library to the New York State Education Department, New York State Library, Division of Library Development, "\$14 Million Public Library Construction" grant program, and be it further

RESOLVED, that the Town of Orchard Park will contribute \$164,652 in cash and in-kind goods and services as matching funds, or 50% of the total project cost of \$294,304.

Councilwoman Ackerman stated that of the \$164,652, the Erie County Library Board will contribute \$109,205 to be paid back out of savings and energy cost to the Town of Orchard Park over a five to seven year period. Another \$10,000 will be subtracted for an inspection fee, which will be done in house. She stated the total cost to Orchard Park in actual money and in-kind goods and services is \$45,447. Councilwoman Ackerman thanked the Orchard Park Library Board President, Dorothy Holmes and Library Board member Mark Stevens, Town Engineer Bieler and the director of the Library, Ann Laubacher, who will be retiring.

The resolution was unanimously adopted.

New Business #3 Appointments to the Fall/Winter 2006-2007 Recreation Department Staff

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

RESOLVED, that the Town Board does hereby authorize the following 2006-2007 Staff Appointments to the Town of Orchard Park Recreation Department, dependent upon the applicant providing the required certifications, as recommended by the Recreation Director:

<u>Name</u>	<u>Address</u>	<u>Position</u>	<u>Rate</u>
Betty-Jo Kot	57 Thomas Drive	PT2-A	\$10.00
Amanda Martz	133 Chapel Glen Drive	PT2-A	\$10.00

The resolution was unanimously adopted.

New Business #4 Referrals to the Planning Board and/or Conservation Board

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

RESOLVED, that the Town Board does hereby refer the following item listed on the agenda to the Planning Board and/or Conservation Board: Ms. Susan Greenwood, 5595 Armor Duells Road: Requesting a 75-year Conservation Easement for 9.0 acres of land and (not listed on the agenda) St. Bernadette's Church, 5930 S. Abbott Road: Requesting to construct a 30' x 60' pavilion on their property behind the convent.

The resolution was unanimously adopted.

ELECTED OFFICIALS & DEPARTMENT HEADS**Budget Transfers**

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 approve the following 2006 Budget Transfers:

Highway Department:	\$22,509.00	From: DA.0000.2655	Revenue Sales of Equipment
		To: H55.0000.2655	Highway Equipment Reserve
Building Department:	\$ 300.00	From: B.3620.0400	Office Supplies
		To: B.3620.0445	Vehicle Repair & Maintenance
Police Department:	\$ 5,000.00	From: 3120.000.443	Equipment Repairs
		To: 3120.000.475	Gasoline

The resolution was unanimously adopted.

Councilwoman Ackerman stated that she wanted to formally welcome Ms. Deborah Yeomans as the newly elected Councilwoman. The Town Board has invited her to attend the work sessions and welcomes her input.

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

WHEREAS, a communication has been received by the Town Board from Mr. Ron Nowak of West Falls, concerning the ethical nature of the Recreation Director's involvement with the Orchard Park Business Association, specifically the SHOP Promotion. Recreation Director, Ed Leak has formed strong relationships with the business community and generated revenue for the Recreation Department and the Town, and

WHEREAS, the Town Board does feel that it is appropriate and necessary and would encourage Department Heads to be involved in the community, which is really an asset and not an ethical violation

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby support the involvement of Government Officials and Department Heads in the Town of Orchard Park for the good of the community.

Supervisor Travers Murphy	nay
Councilwoman Ackerman	aye
Councilman Kaczor	aye
Councilman Jemiolo	aye
Councilman Dietrick	aye

The resolution was duly adopted.

Councilman Kaczor reiterated the sentiment of the last resolution on the importance and necessity of involvement from Government Officials and Department Heads in the community. Councilman Dietrick agreed with this philosophy as well.

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

RESOLVED, that the Town Board does hereby authorize the Chief of Police to advertise for bids for the purchase of Two (2) New 2007 Marked Police Patrol Cars and One (1) New 2007 4 x 4 Utility Police Vehicles to be opened at 11:00 AM (local time) in the Supervisor's Conference Room on December 19, 2006, and be it further

RESOLVED, that the Town Clerk is hereby directed to publish due notice thereof.

The resolution was unanimously adopted.

Highway Superintendent Piasecki reported on the continuing progress of the storm cleanup. He related that the DEC inspected the Compost Site and were impressed with the operation in light of the amount of brush taken in from the storm. Highway Superintendent Piasecki stated that he has obtained information from the NYSDOT on the Highway Bridge Rehabilitation Replacement Program which has grants available. He stated that the Highway Department and the Engineering Department are working together to submit an application for the Forest Drive Bridge. This is an 80/20 grant, where 80% of the cost is paid by the Federal government. He stated that there was a meeting with FEMA and the reimbursement for *Category B* is in process for the storm damage and public safety, which involved many departments in the Town. *Category A* will be reimbursement for brush pickup which is primarily for overtime and equipment time for the Highway Department and the Compost Site for the next phase. Councilwoman Ackerman thanked Highway Superintendent Piasecki and the Highway Department for the superb job over the past weeks in collection of materials and the overseeing of the Compost Site.

Town Engineer Bieler stated that there are two bridges located in the Village that the Town is responsible for since they are twenty feet or longer, one being the Forest Drive Bridge and it does qualify for the 80/20 grant that he and the Highway Superintendent are working on. He also stated that the Town has received a NYS Dol-Hab Training and Education Grant, which allows forty three individuals from the Sewer and Lighting, Highway and Engineering Departments to take four courses. They are; exposure to confined spaces, operating heavy construction and highway equipment, operating light equipment and hand tools and lockout/tag out situations. Councilwoman Ackerman stated that the other bridge in the Village the Town is responsible for is the Highland Avenue Bridge, which also was reconstructed with the aid of the 80/20 grant and received an award for its design with the use of timber.

COUNTY AND STATE OFFICIALS

John Mills, Erie County Legislator Mills: Mr. Mills complimented Highway Superintendent Piasecki for coordinating the cleanup of the tree material in neighboring Towns for the Compost Site. He stated that he and Councilman Kaczor serve on the Sewer District #3 Board of Managers representing Orchard Park and are trying to consolidate sewer lines within Erie County. He asked the Town Board to consider the consolidation of lines, which are owned by the Town, into District #3 ownership. The Village did approve today for the County to take over their sewer lines and to provide services to the residents. There would be savings and cost initiatives over the years ahead. He stated that the County Charter would have to be amended to insure protection with proper representation for the Town and Village. He wished everyone happy holidays and congratulated Councilman Jemiolo on his many years of service and his thanks in serving with him on the Town Board and hopefully working with him in the future. Councilman Kaczor added there are some areas of Orchard Park that are not in Sewer District #3 and the Department of Environment and Planning has been assisting in the integration of these remaining areas.

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

RESOLVED, that the Town Board does hereby authorize the approval of all entries on Warrant #23 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$677,762.70
Part Town Fund	35,288.08
Risk Retention	0.00
Cemetery Fund	0.00
Highway Fund	244,163.070
Special Districts	546,431.32
Trust & Agency	4,074.05
Capital Fund	82,063.81

The resolution was unanimously adopted.

Not listed on the agenda.

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

RESOLVED, that the Town Board is hereby authorized to receive and file the following report: Chief of Police's Monthly Report for November 2006.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Dorothy Holmes, President of the Board of Trustees of the OP Library Board: Mrs. Holmes wanted to thank Town Engineer Bieler for his time and effort on behalf of the Library. The grant that was approved this evening became available in the fall and due to the specs and time constraint making it difficult to apply for, but because of Town Engineer Bieler's diligence they will meet the Friday deadline. Ms. Holmes gave an overview of the wonderful personnel and what the Library has to offer the public.

Tom Casey, 12 Harvard Place: Mr. Casey stated his reason for having addressed the Quaker Crossing South rezoning in the past was entirely based on the treatment of Sarah des Jardins and the accusatory response of Attorney Walsh.

Harvey Larivey, 5226 Big Tree Road: Mr. Larivey has seen dignity, good government and services in the Town of Orchard Park throughout the years. He does not agree with changing one's position salary, which is contracted for, after they have taken office and feels that it doesn't speak well of representative government.

Christine Weyer, 65 Tanglewood Drive: Ms. Weyer asked about having the Town Board meetings available on the public access channel so all the residents would have the opportunity to be informed. She also commented on the cordial demeanor tonight of the Town Board. Councilwoman Ackerman stated that they had researched televising the Town Board meetings previously and Orchard Park wasn't considered a large enough venue at the time. Councilwoman Ackerman stated this could be revisited and the Town Board had no problem with this. She stated that the Town Board minutes are posted on the Town's website for the public.

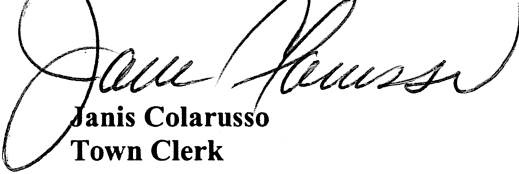
June Kreutzer, 54 Argyle Place: Ms. Kreutzer stated she does not approve of benefits for part-time employees. Councilman Jemiolo explained that there was no action taken on this item of part-time benefits which was tabled and should have been on the agenda for this meeting. He stated that in a discussion with Supervisor Travers Murphy today, she related that she wanted to discuss this in a work session next week. Councilman Jemiolo stated that times have changed and more businesses are giving benefits and retirement to part-time employees. He stated that he did not know how the Town Board would compare or handle this in the future. He stated that he stands by his statement three weeks ago at the November 15, 2006 Town Board meeting, compensation for any position should be considered with the entire package, which would be received in salary, benefits, longevity and retirement. Councilman Kaczor has been reviewing Department of Labor studies as well as benefit surveys and in terms of the Town Attorney he works more than would be considered part-time and his position is not defined as part-time. Currently on the national average over 30% of part-time employees receive some type of benefits, with New York State significantly higher because it is a unionized State. Councilman Kaczor stated that the Town Board would be reviewing the full time employees and Elected Officials benefits to make sure that everyone receives fair and equitable treatment.

Howie Holmes, 4684 Freeman Road: Mr. Holmes thanked Councilman Jemiolo for his years of service to the Town and hoped he would remain active. He asked if the *Christmas Creche* would be placed on the grounds of the Municipal Center. Councilman Jemiolo stated that is owned by Estelle and Terry Young and if they wanted to display it that is fine with the Town.

Dean Kroll, 35 Squire Drive: Mr. Knoll is concerned with the size of government. He referred to Kevin Gaughan's report on the comparisons of municipalities in Erie County to comparables. He asked what could be done to reengineer Orchard Park to reduce the number of elected officials to be more efficient and streamline our processes. Councilman Kaczor stated in response to the article that the majority of the time that councilpersons or elected officials spend was on constituent services, whereas, the structure in Orchard Park compared to other municipalities is different because most of our committees are volunteer and when travel is required the stipends are extremely low. Our Town Board is actively involved with all the committees they are assigned to and work directly with developing legislation from these committees. Councilman Kaczor stated that probably 20% of his time is spent on constituent services. Mr. Kroll stated that he is understood the volunteerism, but questioned the number of elected officials. He asked Orchard Park to take the leadership to reduce the size of government to improve efficiencies and relieve the burden of this area for businesses and keep people from moving away. Councilwoman Ackerman stated that she welcomed the continuation of his ideas and comments since it does concern everyone.

There being no further business from the floor, on motion by Councilman Jemiolo, seconded by Councilman Dietrick, to wit; the meeting was adjourned at 8:04 PM (local time).

Respectfully Submitted,



Janis Colarusso
Town Clerk

