

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> day of December 2007 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> 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 COUNCILMAN KACZOR, TO WIT:

**RESOLVED**, that the minutes of the Meeting of the Town Board held on December 5, 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.**

#### **Old Business #1 Quaker Crossing East, Approve Building Permit and Site Plan**

2) 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 approve the request from Quaker Crossing East, out-parcel located at the northern corner of Amanda and North Benzing Roads, Zoned B-1, for a Building Permit to construct a 8,000 +/- sq. ft. furniture store and approve the Site Plan, as recommended by the Planning Board with the following conditions and stipulations:

- This is an Unlisted SEQR Action and a negative declaration is declared based on the 9/28/07 submitted Long EAF.
- A landscape completion bond, in accordance with the Conservation Board minutes in the amount of \$715.00 shall be provided for the approved landscape plan, which includes 18.1% green space for the total plaza area.
- Town Engineering Approval was granted on 11/29/07.
- The site lightening is limited to those fixtures and poles indicated on the approved Site Plan. Light fixtures shall have flat lens.
- Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with §144-25 of the Town code.

- No outside storage or display permitted.
- Any future additional changes or modifications to the Site Plan, building facade or landscaping shall be reviewed by the Planning Board.

**The resolution was unanimously adopted.**

**Old Business #2 Thorn Avenue Animal Hospital, Approve Building Permit and Site Plan**

**3) 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 approve the request from Thorn Avenue Animal Hospital, 188 Thorn Avenue, Zoned B-2, for a Building Permit to construct a 665 +/- sq. ft. addition to the existing veterinarian building and approve the Site Plan received, 11/26/07, as recommended by the Planning Board with the following conditions and stipulations:

- This is a Type II SEQR Action and no determination is required.
- 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 §144-25 of the Town Code.

**The resolution was unanimously adopted.**

**Old Business #3 Quaker Crossing West, Approve Request for Site Modification Plan / Dumpster**

**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 approve the request for Quaker Crossing West, out-parcel area, north side of Milestrip Road, Zoned B-1, for site modification plan involving dumpster location for 3464, 3474 & 3470 Amelia Drive, as recommended by the Planning Board, 12/12/07, with the following conditions and stipulations.

- This is a Type II SEQR Action and therefore, no determination is required.
- Dumpsters as shown shall be screened, in accordance with §144-25 of the Town Code.
- No outside storage or display is permitted.

**The resolution was unanimously adopted.**

**New Business #1 Schedule the 2008 Organizational Meeting and the 1<sup>st</sup> Meeting of the Year**

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

**RESOLVED**, that the Town Board does hereby schedule the 2008 Organizational Meeting & the 1<sup>st</sup> Regular Meeting of the Town Board for Wednesday, January 2, 2008, with the Organizational Meeting commencing at 6:30 PM and the 1<sup>st</sup> Regular Meeting of the Town Board to immediately follow, and be it further

**RESOLVED**, that the Town Clerk shall publish due notice in the official newspaper of the Town.

**The resolution was unanimously adopted.**

**New Business #2 Courtyard at Birdsong - Schedule a Public Hearing for Re-Zoning to CMO**

6) 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 schedule a Public Hearing for Wednesday, February 6, 2008, at 7:00 PM, for Dominick Piestrak, "Courtyard at Birdsong", to rezone vacant land located on the North side of Jewett-Holmwood Road and East side of Freeman Road, from R-1 to "Conservation Management Overlay District" (CMO) for the purpose of constructing 39 single family homes, as recommended by the Planning Board, and be it further

**RESOLVED**, that the Town Clerk shall publish due notice in the official newspaper of the Town.

**The resolution was unanimously adopted.**

**New Business #3 Village Home Subdivision – Schedule a Public Hearing for Rezoning to CMO**

7) 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 schedule a Public Hearing for Wednesday, February 6, 2008, at 7:00 PM, for Dominick Piestrak, "Village Home Subdivision", to rezone vacant land located on the North side of Milestrip Road and West of Transit Road, from R-2 to R-1 to "Conservation Management Overlay District" (CMO) for the purpose of constructing 56 single family homes, as recommended by the Planning Board, and be it further

**RESOLVED**, that the Town Clerk shall publish due notice in the official newspaper of the Town.

**The resolution was unanimously adopted.**

**New Business #4 Town Board to Seek Lead Agency Status for Wal-Mart Super Center**

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

**WHEREAS**, the Town of Orchard Park Town Board ("Town Board") has received an Application from Wal-Mart Stores, East, L.P. for site plan approvals of a Wal-Mart Super Center on approximately 20 acres of GB land on Milestrip Road, in the Town of Orchard Park, Erie county, New York, designated as Town of Orchard Park Tax Map numbers 161.05-4-19, and 161.5-408; and

**WHEREAS**, the Application was submitted together with a Full Environmental Assessment Form ("FEAF") and other supporting documentation ("Application Materials"); and

**WHEREAS**, the Town Board has determined in accordance with 6NYCRR617.6 that: the proposed action appears to be a Type I action under SEQR; coordinated SEQR review shall be undertaken; and the Town Board is willing to act as lead agency for purpose of that review.

**NOW, THEREFORE, be it RESOLVED that:**

- The Town Board hereby adopts the Notice of Intent to assume lead agency status and directs the Applicant to circulate said Notice to all involved agencies in accordance with 6NYCRR617.6(b)(3), together with the Application Materials.
- The Wal-Mart applications subject to County Planning Board review under General Municipal Law §239-m and the Chairperson of the Board and/or town staff shall promptly refer such application to the Erie County Planning Department for its review and advisory report pursuant to General Municipal Law.

**The resolution was unanimously adopted.**

**New Business #5 Town Attorney to Proceed with Dedication of Infrastructure/Pleasant Acres, Pt 2**

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

**WHEREAS**, on December 18, 2007, a final inspection was conducted of the public improvements constructed in the Amended Sublots 12, 13, 14, and 15 of the Pleasant Acres II Subdivision. The project included the construction of partial stub street Tranquility Lane off of Burbank Drive. The completion of this subdivision phase will relocate the four (4) single family residential sublots for future development connectivity, and

**WHEREAS**, all work has been satisfactorily completed in accordance with Town specifications with the exception of the following, which will be completed when the weather permits:

- Install 1 light pole and 2 light fixtures, and all associated conduits, wiring, and pull boxes - \$5,000
- Complete final grading and seeding in all areas of disturbance - \$6,000
- Complete Restoration of Sidewalk and Irrigation System at 46 Burbank Drive - \$500

**WHEREAS**, the Town is in receipt of the cash securities for the completion of the items noted above and a two-year maintenance bond in the amount of \$100,000.00 has been submitted along with all other necessary documents.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the Town Attorney to proceed with the dedication of the public improvements in the amended sublots 12, 13, 14, and 15 of the Pleasant Acres II Subdivision Map Cover Revision constructed under PIP #2007-01, and be it further

**RESOLVED**, that the Town Board does hereby authorize the Town Clerk to release the performance security in the amount of \$20,000.00, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #6 Authorize the Posting of a "Stop" Sign / Tranquility Lane @ Burbank Drive**

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

**WHEREAS**, per the request from the Police Chief, Town Engineer and the Highway Superintendent, and pursuant to the authority granted by §1660 of the Vehicle and Traffic Law of the State of New York

**NOW, THEREFORE, it is hereby**

**ORDERED**, that the posting of a "Stop Sign" on Tranquility Lane at the intersection of Burbank Drive within the Town of Orchard Park, and be it further

**ORDERED**, that the Superintendent of Highways be and is hereby directed to post the proper and necessary sign at said location.

**The resolution was unanimously adopted.**

**New Business #7 Authorize the release of Escrow under PIP 2007-03 Delta Sonic Car Wash**

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

**WHEREAS**, on December 5, 2007, the Town Board accepted dedication of the public improvements constructed in the above referenced sanitary mainline relocation with the stipulation that funds paid by the contractor be held in escrow until the abandonment of the existing mainline with flowable fill was completed, and

**WHEREAS**, the contractor has since completed the required abandonment of the existing mainline. The work was inspected by the Engineering Department and found to be in compliance with Town specifications.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the Town Clerk to release to Delta Sonic Car Wash Systems, Inc., 570 Delaware Avenue, Buffalo New York 14202, the \$2,000 held in escrow for the abandonment of the existing mainline in Delta Sonic Carwash Expansion – Sanitary Mainline Relocation (PIP #2007-03), as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #8 Appointments to the 2007-2008 Winter/Spring Staff to the Recreation Department**

**12) 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 Winter/Spring 2007-2008 Staff Appointments to the Orchard Park Recreation Department, dependent upon the applicant providing the required certifications, as recommended by the Recreation Director.

<b>Name</b>	<b>Address</b>	<b>Position</b>	<b>Title</b>
Eric Worrall	Orchard Park	PT2-B	Att.
Jarryd Austin	Buffalo	PT2-B	Att.
Jessica Church	Buffalo	PT2-D	Att.

**The resolution was unanimously adopted.**

**New Business #9 Tabled:** Authorize the Supervisor to sign the Contract with Biel's Information Technology System, for the 2008-2009 Local Government Records Management Improvement Fund Grant in the microfilming category through S.A.R.A. for the Town Building Department.

**New Business #10 Authorize the Public Stable Permit for Quakerfield Riding School, Inc.**

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

**RESOLVED**, that the Town Board does hereby authorize the Public Stable Permit for Quakerfield Riding School, Inc., 4760 Freeman Road, Orchard Park NY, as recommended by the Building Inspector.

**The resolution was unanimously adopted.**

**New Business #11 Authorize the Display of Fireworks for the Buffalo Bills, One Bills Drive**

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

**RESOLVED**, that the Town Board does hereby authorize the Public Display of Fireworks for the Buffalo Bills, One Bills Drive, Ralph Wilson Stadium, for January 1, 2008, at 1:00 PM, as recommended by the Chief of Police and the Town Attorney.

**The resolution was unanimously adopted.**

**New Business #12 Schedule a Public Hearing for a Local Law of the Year 2008/Permit Fees**

15) 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 schedule a Public Hearing for Wednesday, January 16, 2008, at 7:00 PM, for a Local Law of the Year 2008; Permit Fees, as recommended by the Building Inspector and Town Engineer, and be it further

**RESOLVED**, that the Town Clerk shall publish due notice in the official newspaper of the Town.

**The resolution was unanimously adopted.**

**New Business #13 Award the Bid for Three (3) New 2008 Marked Police Patrol Cars**

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

**WHEREAS**, the bid opening was held on Monday, December 17, 2007 at 11:00 AM, in the Supervisor's Conference Room for three (3) New 2008 Marked Police Patrol Cars for the Police Department,

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby award the bid for Three (3) New 2008 Marked Police Patrol Cars to Towne Ford, 3535 Southwestern Boulevard, Orchard Park NY, 14127, in the amount not to exceed \$47,144.50, as recommended by the Chief of Police.

**The resolution was unanimously adopted.**

**New Business #14 Refer to the Planning Board and Conservation Board:**

17) 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 the Planning Board and/or Conservation Board: Steven Schneckenberger, 2861 Southwestern Boulevard, Zoned B-2, request for a Change-In-Use from residential use to office/retail space.

**The resolution was unanimously adopted.**

**Elected Officials & Department Heads**

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

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

<b>Supervisor</b>	\$2,043.00	From: A.1670.0415	Central Services/Computer Training
		To: A.1670.0443	Central Services/maintenance
<b>Senior Center</b>	\$1,500.00	From: A.7610.0200	Senior Citizens Equipment
		To: A.7610.0445	Senior Citizens/Maintenance & Repairs

**AND BE IT FURTHER RESOLVED**, that the Town Board does hereby authorizes the amending of the Town's 2007 Budget to increase estimated revenues and authorize additional appropriations as follows:

Increase appropriation account:

A.3120.0407 – Police – Clothing Allowance      \$4,900.00

Increase estimated revenues:

A.0000.4389 – Fed. Aid – Police Armor/Equip      \$4,900.00

**The resolution was unanimously adopted.**

Councilwoman Ackerman and the Town Board extended to all the residents a Happy Holiday Season, and wished Councilwoman Yeomans the best of luck in her next adventure and challenge.

Councilwoman Yeomans stated that she was honored to represent the residents of Orchard Park for the last year. She stated that her motive to serve was to be the voice of the residents. Councilwoman Yeomans said that she feels innovation, growth and change can be very positive when motivated by honorable intentions. She asked that the residents stay involved and be motivated, inspired and emboldened to make sure that their interests are given the attention they deserve. She asked that this Town Board follow through with the ground work she has laid with the medical campus, and reform the ethics regulations. Councilwoman Yeomans thanked everyone for the chance to serve the Town of Orchard Park

Councilman Kaczor stated that he is looking forward to the New Year and that the Town Board has a huge agenda to tackle. He stated that he feels that the Board has been working well together through the budget process and with the appointment process.

Councilman Dietrick stated there are several D.A.R.E graduations scheduled in January. He stated that drugs in our community are a problem and we need to reach out to our children and the D.A.R.E. program is helping to educate our youth. He agreed that the appointment process went very well and the Town Board has a number of appointments to make for 2008. Councilman Dietrick stated that beginning next year, Business From the Floor is going to be moved to follow the New Business and before the Elected Officials. This will help to facilitate the meetings.

Supervisor Travers Murphy stated that in order to keep the Town Board Meeting productive and as professional as possible, she sought the advice of the Association of Towns. The most important step that they can take is to adopt a Civility Code or rules of decorum at meetings. The Board is currently reviewing copies of examples from the Association of Towns to finalize what the Town of Orchard Park will adopt. The residents will be completely informed as to what the rule will be for Business from the Floor. This should make the meeting more productive and pleasant to attend.

Chief Sam McCune wished to remind everyone that the Holiday Season is upon us and to drive safely.

19) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR TRAVERS MURPHY, 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 #24 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$91,766.65
<b>Part Town Fund</b>	\$651.00
<b>Risk Retention</b>	0
<b>Cemetery Fund</b>	0
<b>Highway Fund</b>	\$38,617.51
<b>Special Districts</b>	\$160,275.20
<b>Trust &amp; Agency</b>	\$61,929.36
<b>Capital Fund</b>	\$608,469.33

**The resolution was unanimously adopted.**

#### **Receive & File Communications**

20) 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 receive and file the following Communications: National Grid: Notification has been sent regarding a Public Hearing Wednesday, January 16, 2008, Basement Meeting Room at the Orchard Park Municipal Center, from 3:30 – 4:30 PM and 6:30 – 7:30 PM, for National Grid's project to rebuild a transmission line through the Towns of West Seneca, Orchard Park, Boston and Concord.

**The resolution was unanimously adopted.**

#### **BUSINESS FROM THE FLOOR**

**Tom Casey** – Thanked Councilman Dietrick for commenting on the DARE program and the problems with drugs in the schools. He thanked Councilwoman Yeomans for her service to our community and her commitment to ethics, and he hopes that ethics will be given a high priority in the next year.



**Lou Boehm** – Stated he would like to see the Council members show respect to the citizens when they speak before the Town Board.

**Jane Shumaker** – Thanked Councilwoman Yeomans for her service and her dedication to the ethics and bringing the issue to the forefront.

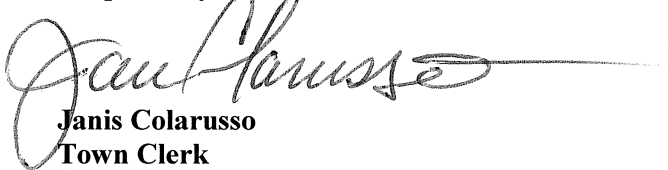
**Callie Lockwood** – Thanked Deborah for all that the work that she had done this year.

Councilman Ackerman asked the audience to observe a moment of silence in memory of Thomas McGinty who has been the Youth Director for many years and has helped countless youths in this Town. He was a founding father of the Youth Court and a friend to everyone in Orchard Park.

Chief McCune stated that Tom McGinty was appointed to the Youth Bureau in 1980, and has served for 27 years, and was instrumental in establishing the Youth Court in 1994, with Councilwoman Nan Ackerman, and Justice Phil Marshall, and had kept it going these many years. Mr. McGinty will be sorely missed in this community, especially by the youth of Orchard Park, who as Tom often said, “is our future”.

There being no further business from the floor, on motion by Councilman Kaczor, seconded by Councilwoman Ackerman, to wit: the meeting was adjourned at 7:35 PM (local time).

**Respectfully Submitted,**



**Janis Colarusso**  
Town Clerk

