

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 21st day of December 2005 at 7:00 P.M., (local time). The meeting was called to order by the Supervisor and there were:

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

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

RESOLVED, that the minutes of the Town Board Meetings held on December 7, 2005, as presented by the Town Clerk, are hereby approved, and be it further

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

The resolution was unanimously adopted.

PUBLIC HEARING

At 7:00 PM (local time) the Supervisor called for the Public Hearing to hear all interested parties for or against a Proposed Amendment to the Zoning Ordinance of the Town of Orchard Park to rezone 6 acres of vacant property located at 3964 California Road, from R-4 to I-1, as petitioned by DeMarco Masonry, which property is described as follows:

ALL THAT TRACT OR PARCEL OF LAND SITUATE in the Town of Orchard Park, County of Erie and State of New York, being part of Lot 32, Township 9, Range 7, of the Buffalo Creek Reservation bounded and described as follows:

BEGINNING at the point of intersection of the Southwesterly line of California Road with the Northerly line of lands conveyed to Dennis Canfield, by Deed recorded in the Erie County Clerk's Office in Liber 372 of Deed at Page 324; running thence Southeasterly along the Southwesterly line of California Road, two-hundred eighty-seven and thirty-two hundredths (287.32) feet to a point; thence Westerly on a line having an interior angle of sixty (60) degrees, twenty-eight (28) minutes with the last mentioned line, a distance of one-thousand one-hundred thirty-seven and seventy hundredths (1137.70) feet to the East line of land conveyed by Alfred Ellis, unmarried, to Niagara, Lockport and Ontario Power Company by Deed recorded in the Erie County Clerk's Office in Liber 1655 of Deed at Page 632; thence Northerly along the East line of lands of said Niagara, Lockport and Ontario Power Company, two-hundred fifty-one and fifty-six hundredths (251.56) feet to the north line of lands conveyed to Dennis Canfield aforesaid; thence

Easterly and along the said North line of said Canfield lands, Nine-hundred sixty-eight and twenty-five hundredths (968.25) feet to the Southwesterly line of California Road at the point or place of beginning.

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

Supervisor Cudney stated that there has been some confusion regarding the zoning of this property. The Building Inspector stated that all of the zoning maps of the Town had shown it was zoned I-1 since August 25, 1981, when the Zoning in that area was updated. Recommendations at that time were to zone this property I-1 at that time, and it was assumed it had been, but the Building Inspector discovered that the published legal description omitted the metes and bounds. This public hearing process will allow the omission to be corrected.

At this time Supervisor asked if there was anyone that would like to come forward to speak for or against this proposed amendment. The following individuals spoke:

Raymond Waite, 48 Auckland Avenue – questioned the acreage and the existing structure on the property. Mr. Waite stated that the southern end of this property is all residential and until there is a buffer ordinance in the Town, he is not in favor of this action. Councilman Jemiolo stated that Mr. DeMarco has offered to buffer this property for the neighbors.

Robert Frantsits, 4270 California Road – asked for clarification of the exact property site.

Robert Pabst, 3981 California Road – sent a communication to Supervisor Cudney stating his concerns and if the zoning is passed, that there be a stipulation for buffering for the residents of California Road.

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

RESOLVED, that the Public Hearing in the matter of the Proposed Amendment to rezone 6 acres of vacant property located at 3964 California Road, from R-4 to I-1, as petitioned by DeMarco Masonry, is hereby closed at 7:15 PM.

The resolution was unanimously adopted.

Old Business #1 Award the Bid for 3 New 2006 Police Patrol Cars & 1 New 2006 Unmarked Vehicle

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

WHEREAS, sealed bids for Three (3) New 2006 Police Patrol Cars and One (1) New 2006 Unmarked Vehicle were opened on December 15, 2005, at 11:00 AM in the Town Clerk's Office in the Orchard Park Municipal Center, 4295 S. Buffalo St., Orchard Park NY 14127

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby award the bid for Three (3) New 2006 Police Patrol Cars and One (1) New 2006 Unmarked Vehicle to DeLacy Ford, 3061 Transit Road, Elma NY 14059, in an amount not to exceed \$60,764.00, they being the lowest responsible bidder thereof, as recommended by the Chief of Police.

The resolution was unanimously adopted.

Old Business #2 Authorize a Building Permit to Parkland Professional Park, 3085 Southwestern

4) 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 approve a building permit for Parkland Professional Park, 3085 Southwestern Boulevard, Zoned B-2, to construct a 18,000 square foot office building. The Planning Board, 12/14/05, recommends approval of this request with the following stipulations:

- This is an Unlisted SEQR action based on the submitted Long EAF and a Negative Declaration is made based on the submitted Long EAF, Parts One and Two.
- 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 on the site plan shall be screened, along with any additional dumpsters, in accordance with §144-25 of the Town Code.
- A Landscape Completion Bond, in accordance with the Conservation Board minutes, shall be provided for the approved landscape plan prior to the receipt of a Building Permit in the amount of \$11,230.00 or \$5,615.00 in cash or certified check.
- Town Engineering Approval has been granted on 12/6/05.

The resolution was unanimously adopted.

Old Business #3 Authorize a Building Permit to North Forest Development

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

RESOLVED, that the Town Board does hereby approve a building permit for North Forest Development, vacant land, West side of Redtail Road, Zoned I-1, to construct two multi-tenant buildings totaling 31,000 square feet. The Planning Board, 12/14/05, recommends approval of this request with the following stipulations:

- This is an Unlisted SEQR action based on the submitted long EAF and a Negative Declaration is made based on the submitted Long EAF, Parts One and Two.
- 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 on the site plan shall be screened, along with any additional dumpsters, in accordance with §144-25 of the Town Code.
- A Landscape Completion Bond, in accordance with Conservation Board minutes, shall be provided for the approved landscape plan prior to the receipt of a Building Permit in the amount of \$25,114.00 or \$12,557.00 in cash or certified check.
- Town Engineering Approval has been granted on 12/14/05.

The resolution was unanimously adopted.

Old Business #4 Buffalo Niagara Court Center Requesting Rezoning for Property on Weiss Ave

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

RESOLVED, that the Town Board does hereby Schedule a Public Hearing for Wednesday, January 18, 2006 at 7:00 PM to hear all interested persons for against the rezoning of vacant land at the end of Weiss Avenue, from R-3 to B-2, as petitioned by Buffalo Niagara Court Center, Inc. A complete metes and bounds description of this property is on file in the Town Clerk's Office for on site inspection during regular business hours, and be it further

RESOLVED, that the Town Board does hereby authorize the Town Clerk to publish due notice in the official newspaper of the Town.

The resolution was unanimously adopted.

New Business #1 Establish Capital Project for Data Collection & Photographs Project

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

WHEREAS, the Town wishes to further update and improve assessment information on properties located within the Town, and

WHEREAS, the Town wishes to continue to pursue grant funds to assist in the cost of such assessment data upgrade, and

WHEREAS, the Town wishes to fund and proceed with a portion of the assessment data upgrade.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the establishment of a Capital Project entitled "Data Collection & Photographs Project" with authorized expenditures of \$25,000 to be funded by a transfer from the General Fund, and be it further

RESOLVED, that the General fund adopted budget for 2005 be amended as follows:

Increase authorized expenditures and use of unreserved fund balance for a transfer to the Capital Project Fund H78 "Data Collection and Photographs Project":

A.0960.9901	Appropriations – Transfers Out	\$25,000.00
A.0599.0000	Appropriated Fund Balance	\$25,000.00

The resolution was unanimously adopted.

New Business #2 Authorize Application to NYS Office of Real Property Services for Grant Funds

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to submit an application to the New York State Office of Real Property Services, Real Property Tax Administration Technology Improvement Program (RPTATIP) requesting \$96,600.00 (\$89,800.00 under Project Category A-2 and \$6,800.00 in Grant Enhancement for Network Infrastructure) to support the development of a web-based, software application that promotes the real-time sharing of parcel-level, real property data among multiple levels of government, and be it further

RESOLVED, the Town of Orchard Park will match RPTATIP funds with \$30,000.00 in cash (or in-kind services) or 23% of the total project cost of \$126,000.00.

The resolution was unanimously adopted.

New Business #3 Appoint Bill E. Fulton, 401 Vistula Ave to the Position of Engineer Assistant

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

RESOLVED, that the Town Board does hereby appoint Bill E. Fulton, 401 Vistula Avenue, to the position of Engineer Assistant in the Engineering Department for the Town of Orchard Park, as recommended by the Town Engineer.

Town Engineer Bieler stated that Mr. Fulton started here as summer help, worked in the Town Engineering Department all through college, and is a wonderful asset to his staff.

The resolution was unanimously adopted.

New Business #4 Orchard Park School District Requesting 12-Voting Machine for Special Vote

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

RESOLVED, that the Town Board does hereby approve the request from the Orchard Park Central School District for twelve (12) Town of Orchard Park voting machines for their Special District Vote on Tuesday, February 14, 2006, at the Orchard Park High School, from 7:00 AM to 9:00 PM, and be it further

RESOLVED, that the Orchard Park Central School District return all twelve (12) voting machines to the Town of Orchard in the same shape as received, and any necessary repairs to the voting machines be the sole responsibility of the School District.

The resolution was unanimously adopted.

New Business #5 Authorize Supervisor to Sign Agreement with The Pepsi Bottling Group

11) 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 Supervisor to execute the agreement between the Town of Orchard Park and Bottling Group, LLC, d/b/a The Pepsi Bottling Group.

Recreation Director, Ed Leak, along with Girard Cappelli, secured "pouring rights" with Pepsi for a cash grant for three consecutive years with a two year option. This is to be put into a separate account that will allow for the Recreation Department to run additional special events. This option is open to any other organization in the Town that wants to be included in this agreement with the Town, they will be given their own grant money for their own particular events.

The resolution was unanimously adopted.

New Business #6 Authorize Connection of Decorative Light Fixtures in Barrington Heights

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

WHEREAS, the Town has received a proposal from NYSEG for the connection of decorative street light fixtures on Graystone Lane, in the Barrington Heights Subdivision and presently there are thirteen (13) single family homes occupied in this portion of the subdivision, with another four (4) currently under construction, and

WHEREAS, the 70-watt H.P.S. luminaries, which are owned by the Town, are placed on top of aluminum posts with the installation of decorative street lights under PIP# 2004-05. NYSEG will only supply electric, maintain the bulb and the electric eye of the luminaries. The proposal is for twelve (12) luminaries to be connected at an annual charge of \$24.19 each for a total of \$290.28

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize NYSEG to connect twelve (12) 70-watt high-pressure sodium decorative light fixtures on Graystone Lane at the cost of an annual increase of \$290.28 to the Consolidated Light District in accordance with their proposal dated December 15, 2005, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #7 Approve Out-of-District Water Customer for District #15 for Todd J. Watkins

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

WHEREAS, that the Town has received correspondence requesting Out-of-District Water approval for Todd J. Watkins of 4479 Transit Road. The house is located outside the boundaries of Orchard Park Water District #15, in the Town of Aurora, and

WHEREAS, the Town has a completed Out-of-District Residential Water Service Agreement, along with a Resolution from the Town of Aurora agreeing to Mr. Watkin's request to obtain water from the Town of Orchard Park

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the Out-of-District Water Agreement between Orchard Park Water District #15 and Todd J. Watkins of 4479 Transit Road, in the Town of Aurora, New York 14052, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #8 Authorize Sewer & Lighting Dept. to Purchase One (1) New 2006 Pickup Truck

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

WHEREAS, in accordance with the Sewer & Water Department's vehicle replacement program, funds have been allocated to purchase a New ½ Ton Pickup Truck to replace a 1997 Ford Pickup with high mileage (108,000+), and

WHEREAS, the 1997 Ford Pickup, which is presently assigned to the construction inspection staff, is in very poor condition and is no longer cost effective to maintain. The new pickup will be assigned to the General Crew Chief. The Crew Chief's present vehicle, a 2001 Chevrolet Silverado is in good condition, will be assigned to the inspectors. The 1997 pick-up will then be designated as surplus and sold at the annual municipal auction in 2006. Its value is estimated to be less than \$1,500.00 after the Sewer & Lighting Department strips the tool boxes and ladder rack, and

WHEREAS, after reviewing informal quotes obtained from local auto dealerships, it appears that the Town would save approximately \$1,751.00 by purchasing the new pickup under the New York State bid contract. Delivery of the new pickup is expected within four months, whereupon a truck cab and strobe light will be installed at an estimated cost of \$724.00.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Sewer & Lighting Department to purchase One (1) New 2006 Chevrolet Silverado 1500 Pickup Truck from Hoselton Chevrolet, 909 Fairport Road, East Rochester, New York 14445 under the New York Bid contract PC60924 at a cost of \$16,591.53, and be it further

RESOLVED, that the 1997 Pickup will be designated as surplus and sold at the annual municipal auction in 2006, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #9 The Town Board tabled "Award for the Contract for Backflow Prevention devices in the Orchard Park Senior Center and Orchard Park Library".

New Business #10 Final Dedication for Chestnut Ridge Village Subdivision, Parts 6 & 7, Phase 1

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

WHEREAS, on December 8, 2005, a final inspection was conducted on the public improvement installed in the Chestnut Ridge Village Subdivision Part 6 and Part 7, Phase 1. The project included the continuation of Breezewood Drive, and the continuation of Arrowood Lane, a portion of Basswood Lane, and completion of Silverbell Circle and cul-de-sac as shown on the map. The completion of this subdivision phase will allow 69 new single family residential lots to be developed, 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 two Asphalt Access Aprons to Storm Chambers | \$10,000 |
| • Install Twenty-two Street Lighting, Poles and Wire | \$25,000 |
| • Seeding and Grading in Backyard Swales | \$15,500 |
| • Seeding and Grading in fill Areas | \$15,000 |
| • Staging Area Cleanup and Removal of Stockpiles | \$ 2,500 |
| • Access from Armor Duells Road | \$ 2,500 |
| • Complete Trail Bridges and Landscaping/Restoration | \$25,000 |
| • Install two Survey Control Monuments & Submit Survey Data to 2 nd Order | \$ 3,000 |
| • Install all Town Survey Property Corner Monuments & Submit Survey Map Data | \$ 4,000 |

WHEREAS, the Engineering Department is in receipt of the cash escrow and an Irrevocable Letter of Credit as securities for the items noted above. This Irrevocable Letter of Credit has an expiration date of June 30, 2006. Therefore, the work must be completed before the date or the Town can easily claim the funds per the Town Attorney. A two-year maintenance bond letter in the amount of \$1,025,000.00 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 Chestnut Ridge Village Subdivision, Part 6 and Part 7, Phase 1, installed under PIP #2005-01, and be it further

RESOLVED, that the Town Board does hereby authorize the Town Clerk to release the performance security in the amount of \$205,000.00.

The resolution was unanimously adopted.

New Business #11 The Town Board tabled "Authorize the Supervisor to sign the Memorandum of Agreement creating the Western New York Stormwater Coalition".

New Business #12 Appointment to the Erie County Environment Management Council

16) 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 accept, with regret, the resignation of Frank Newton from the Erie County Environmental Management Council, and be it further

RESOLVED, that the Town Board does hereby appoint Toni M. Cudney to fill the position as the Town of Orchard Park Liaison to the Erie County Environment Management Council until October 31, 2006.

At this time the Town Board Members thanked Frank Newton for his dedication to this Council on behalf of the Town of Orchard Park.

The resolution was unanimously adopted.

New Business #13 & 14 Refer to the Planning Board and/or Conservation Board

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

RESOLVED, that the Town Board does hereby refer to the Planning Board and/or Conservation Board the following items listed on the agenda:

- William Benn, 3764 N. Buffalo Road, Zoned B-3. Requests a "Change in Use" from Residential to Business.
- Benderson Development, located on the East side of North Buffalo Road. Requesting a building permit to construct a 35,000 square foot for a retail shopping center consisting of two separate buildings housing retailers and/or restaurants.

The resolution was unanimously adopted.

ELECTED OFFICIALS & DEPARTMENT HEADS

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

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

Building Inspector's Office:

\$ 200.00	From: B.3620.0200	Computer Hardware
	To: B.3620.0400	Office Supplies

Chief of Police:

\$ 2,500.00	From: A.3120.443	Vehicle Repair
	To: A.3120.475	Gasoline

\$ 3,000.00	From: A.3120.407	Clothing Allowance
	To: A.3120.475	Gasoline

Recreation Director:

\$ 880.00	From:	A.7020.201	Playground Equipment
\$ 556.00	To:	A.7020.428	Field Trips
\$ 324.00	To:	A.7020.459	Training
\$ 1,000.00	From:	A.7020.238	Lake Water Quality
	To:	A.7020.486	Supplies

Highway Department:

\$ 45,249.00	From:	DA.5110.0472	Stone, Gravel
	To:	DA.5142.0402	Snow Supplies

Town Engineer's Office:

\$ 1,400.00	From:	001.8346.591	Sewer Underground Locating
\$ 1,200.00	To:	001.8346.475	Gasoline
\$ 200.00	To:	001.8346.592	Sewer District Repair

The resolution was unanimously adopted.

Councilwoman Ackerman stated she had three items this evening and the first item she does with great pride. She wanted everyone to note the needle work on display in the foyer, and in the 1st & 2nd floor halls of the Municipal Building. The framed needle work of the many different versions of St. Nick and Santa Claus is the work of Nan Ackerman mother who now is 91 years of age. The second item was the Youth Courts Annual Report that was listed on the agenda. She said this report lists the number of cases that have been brought before the Youth Court. She wanted to commend Mr. McGinty, the Director of Youth Court, for all the great work that he has done with the Youth Court.

Councilwoman Ackerman stated the last item is bitter sweet, for we have two very special people who are departing the Town Board this evening. The first is Toni Cudney, the first Woman Supervisor of the Town, who has served this Town for eight years. The 2nd individual is Councilman John Mills who has served as a Town Councilmember for 22 years, and as a member of the Zoning Board of Appeals prior to that. At this time all of the Town Board Members stepped off the dais to present Supervisor Cudney and Councilman Mills plaques to honor their dedicated service to the Town of Orchard Park

Councilman Jemiolo and Kaczor both wished Councilman Mills luck in his new position as Legislator and Supervisor Cudney the best in her retirement, and wished everyone a Merry Christmas and a Happy New Year.

Councilman Mills thanked Supervisor Cudney for her service to the community and commended her on the great job she has done as Supervisor. He also thanked the community for being so good to him during his 22 years as Councilman. Councilman Mills stated he will bring the same level of service to this community as a Legislator. He wished everyone a Merry Christmas and a Happy New Year.

Town Clerk-Janis Colarusso, Town Attorney-Leonard Berkowitz, Building Inspector-Andy Geist, Asst. Chief of Police- Michael Sherry, Highway Superintendent-Fred Piasecki, Town Engineer-Wayne Bieler and Recreation Director-Ed Leak all wished Supervisor Cudney and Councilman Mills the very best in their new endeavors.

19) 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 approve the minutes of the Executive Session of the Town Board held on December 14, 2005, at which time the Town Board retained Hiscock and Barclay to represent the Town in connection with a proceeding commenced by Janik Paving against the Town of Orchard Park.

Supervisor Cudney stated she would recuse herself from this vote as she was not at the Executive Session.

Supervisor Cudney	Recused
Councilwoman Ackerman	Aye
Councilman Jemiolo	Aye
Councilman Kaczor	Aye
Councilman Mills	Aye

The resolution was unanimously adopted.

Town Attorney, Leonard Berkowitz, presented the resignations of John J. Mills as Town Councilman, and Mark Dietrick as a member of the Zoning Board of Appeals, to the Town Clerk.

Highway Superintendent, Fred Piasecki, stated that the Town and Village conducted a joint venture in cleaning out the underside of the Highland Avenue Bridge. They took out more than 175 cubic yards of debris, and opened up the flow of the creek.

DEPARTMENT HEADS FROM THE FLOOR

Recreation Director, Ed Leak, stated that a former Town of Orchard Park Recreation Director, and good friend, passed away.

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

General Fund	\$65,285.52
Part Town Fund	\$488.44
Risk Retention	0
Cemetery Fund	0
Highway Fund	\$81,096.42
Special Districts	\$129,446.12
Trust & Agency	\$132.00
Capital Fund	\$146.04

The resolution was unanimously adopted.

21) 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 receive and file the following communication & report: Letter from Wendel Duchscherer, regarding the Town of West Seneca, who has prepared a Comprehensive Plan for the Town, addressing redevelopment, zoning, land use, economic development, community character, multi-modal transportation and various other issues. The adoption of such a Plan is a Type I Action under SEQR, and the town must conduct a Coordinated Review, and the Town wishes to declare lead agency. A Copy of Part 1 of the full EAF was included, and the Town of Orchard Park Youth Court Annual Report

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Robert Frantsits – 4270 California Road: Mr. Frantsits discussed his flooding problems, and Councilman Mills said he would meet with Mr. Frantsits in January after he takes office as Legislator.

Dave Buyer – 14 Briggs Drive: Mr. Buyer offered congratulations to Supervisor Cudney on her retirement, and Councilman Mills on his new position as County Legislator

Linda Flowers – 66 Woodview Court: Ms. Flowers wanted to thank the Town and Village Highway departments for cleaning out under the Highland Ave. bridge.

Nick Taneff-279 Summit Avenue: He thanked Supervisor Cudney and Councilman Mills for their years of service to the Town of Orchard Park.

Raymond Waite-40 Auckland Avenue: Mr. Waite had questions regarding the “Jim Ball Buffer Beautification Committee”.

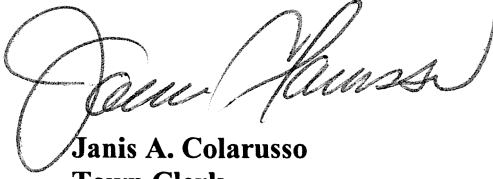
Supervisor Cudney, in her last meeting as Supervisor, wished to extend her profound thanks to all the one hundred fifty Town Employees, Department Heads and Elected Officials who do their jobs day in and day out with professionalism, courtesy, dedication and pride. They are the ones who make the Town work, and the elected officials look good. From the day she walked in the door eight years ago, she had nothing but great cooperation from everybody in the Town Government, and she feels that they are all family. Supervisor Cudney then talked about all the wonderful things she is going to miss, like the residents of the Town when they stop to talk to her, the Supervisor’s Coffee Hour, attending openings, sporting events and all the other great opportunities she has had as Town Supervisor.

Supervisor Cudney wished to share a quote that connected with her and she hopes it characterizes her tenure as Supervisor; “A leader is best when people barely know he exists. Not so good when people obey and acclaim him. Worse when they despise him. But of a good leader, who talks little, when his work is done, his aim fulfilled, they will say, “We did this ourselves.” [Lao-tse, *Tao Te Ching*].” And that is how she feels about her eight years, “we did it”. She also stated that she is grateful for all the richness in her life and extended Holiday Greetings to everyone.

Supervisor Cudney then adjourned the meeting with the following excerpt of an Irish Blessing for everyone: “May the wind be always at your back, the sunshine warm upon your face, and the Lord hold you in the Hollow of His Hand”

There being no more business from the floor, on motion by Supervisor Cudney, seconded by Councilwoman Ackerman to wit; the meeting was adjourned at 8:18 PM (local time).

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Janis A. Colarusso".

Janis A. Colarusso
Town Clerk

