

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 2nd day of January 2008 at 7:05 PM, (local time). The meeting was called to order by the Supervisor and there were:

PRESENT AT ROLL CALL: Mary Travers Murphy	Supervisor
Nancy Ackerman	Councilwoman
David Kaczor	Councilman
Mark Dietrick	Councilman
Edward Graber	Councilman
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 19, 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 Tabled - Supervisor to sign a Contract w/Biel’s Tech for SARA Grant

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

RESOLVED, that the Town Board is hereby authorize to table the following agenda item: 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 (Tabled 12/19/07).

The resolution was unanimously adopted.

New Business #1 Town Attorney to Proceed with Dedication for Windy Hill Farms II, PIP #2007-04

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

WHEREAS, on December 27, 2007, a final inspection was conducted of the Public Improvement constructed on the Windy Hill Farms II, Phase 2 Subdivision. The project included the completion of Wildwood Lane as shown on the attached location map. The completion of this subdivision phase will allow ten (10) new single family residential sublots 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: *Complete final grading and seeding in all areas of disturbance & Complete Restoration of the pond Detention Area*, and

WHEREAS, we are in receipt of the cash securities for the completion of the items noted above. A two-year maintenance bond letter in the amount of \$210,000.00 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 Windy Hill Farms II, Phase 2 Subdivision constructed under PIP #2007-04, and be it further

RESOLVED, that the Town Board does hereby authorize the Town Clerk to release the Performance Security in the amount of \$42,000.00.

The resolution was unanimously adopted.

New Business #2 Authorize the Posting of a “Stop” Sign on Wildwood Lane

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

WHEREAS, per the request from the Public Safety Committee, and pursuant to the authority granted by Section 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 be erected immediately on Wildwood Lane at the intersection of Cole Road.

And it is further

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

The resolution was unanimously adopted.

New Business #3 Building Inspector Requesting his Department Attend Conference

5) 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 Building Inspector, Andy Geist, and his assistants David Holland, Merrill Porter and David Jensen, to attend the Niagara Frontier Building Officials Annual Conference, to be held on January 28, 29 and 30, 2008 at the Buffalo Niagara Marriott Hotel, at Town expense, as requested by the Building Inspector.

The resolution was unanimously adopted.

New Business #4 Planning Coordinator Requesting to Hire Part-time Employee, Ms. Sarah Monte

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

RESOLVED, that the Town Board does hereby authorize the Planning Coordinator, Remy Orffeo, to hire Ms. Sarah Monte, a resident of the Town of Orchard Park, as a part-time employee to assist in the Planning Office @ \$8.50 per hour.

The resolution was unanimously adopted.

New Business #5 Re-appoint Darryl Colosi to the Board of Assessment Review

7) 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 authorize the re-appointment of Darryl Colosi to the Board of Assessment Review for the Town of Orchard Park, term ending September 30, 2012, as requested by the Town Assessor.

The resolution was unanimously adopted.

New Business #6 Appointments to the 2007-2008 Winter/Spring Staff to the Recreation Department

8) 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.

Name	Address	Position	Title	Rate
Marleah Noonan	66 Meadow Road	PT1-C	Att.	\$8.00

The resolution was unanimously adopted.

At this point, Supervisor Travers Murphy stated new rules are being put into place; *Rules of Decorum for Meetings*. Supervisor Travers Murphy found a civility code through the *Association of Towns* and had the printed format available for the audience to review. She stated that this effort would help her to better control the tone of the Town Board meetings and to enforce the four minute time allotment of speakers. These rules will make it very clear that the Town Board is there to listen and if there needs to be more discussion on a topic, the Town Board members are available to residents Monday through Friday from 9:00 AM to 5:00 PM. The rules will be posted on the website and in the Town Board room.

BUSINESS FROM THE FLOOR

Lou Boehm – Questioned why the Town Board voted unanimously for the Southtowns Citizen to be the official newspaper of the town.

Don Quinlan – He handed in the *Efficiency Task Group Report* and gave copies to the Town Board. He spoke very briefly about the report. (In reading the report, it states the Town and Village of Orchard Park are good candidates for government modernization, and that the Village could save \$250,000 to \$500,000. The Town Clerk's office has copies.)

John Torre – Gave his comments on the Milestrip, Sam’s Club and Wal-Mart area. He stated there are eleven Wal-Mart stores in the area. He does not believe another one needs to be built on Milestrip Road.

Sal Cerrone – He also spoke about the proposed Wal-Mart and stated that two are located within fifteen minutes of his house. He believes the Town is getting over developed in that part of Town. He suggested giving rebates from the additional property taxes that Wal-Mart pays the Town to the residents in that area who have to put up with over development. He stated that property, quality of life and wildlife will all decline in that part of Town. He stated that Wal-Mart should be built on Rt. 20A, east of the Village so it can serve both Orchard Park and the Town of Aurora.

Jane Shumaker – She thanked the Town Board for the new civility rules and felt that the reason that communications broke down at the meetings was due to the controversial issue of Wal-Mart. She believes the Town Board not only needs to listen to the residents, but to understand and listen to them. Ms. Shumaker stated that since the property for the proposed Wal-Mart has been sold, the Town Board now has a greater responsibility and she asked that the five corners not be left out of a new traffic study.

Tom Casey – He stated he was disappointed in the appointment of the Planning Coordinator. He believes the Town Board should follow the recommendations of the Ethics Board that were made last year or abolish it all together.

Jim Crow – Had a comment regarding the Town Attorney’s office on S. Buffalo Street.

Elected Officials & Department Heads

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

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

Town Justice:

\$397.95	From: A.1110.0137	Clerical Person
	To: A.1110.0139	P/T Clerical

Highway Department:

\$41,722.00	From: DA5110.0472	Stone, Gravel
	To: DA5142.0402	Snow supplies(salt)
\$611.51	From: A7110.0215	Parks Equipment
	To: A7110.0400	Milestrip – Field supplies
\$1,933.70	From: A7110.0215	Parks Equipment
	To: A7110.0402	Parks – Supplies
\$187.15	From: A7110.0215	Parks Equipment
	To: A7110.0419	Parks –Other Expenses
\$1,362.00	From: A7110.0215	Parks Equipment
	To: A7110.0421	Parks – Electric
\$10,352.50	From: A7110.0215	Parks Equipment
	To: A7110.0423	Parks – Water
\$321.61	From: A7110.0215	Parks Equipment
	To: A7110.0446	Parks – Equip repair

\$216.60	From: A7110.0215	Parks Equipment
	To: A7110.0448	Parks – Fertilizer
\$1,340.50	From: A7110.0215	Parks Equipment
	To: A7110.0215	Forestry – Beautification
\$12,282.00	From: A7110.0215	Parks Equipment
	To: A8560.0471	Forestry – Tree/stump removal

Coding error corrections:

Ref # VEH # 00022861 From: A7110.0215 To: A7110.0200

The resolution was unanimously adopted.

Supervisor Travers Murphy – She welcomed and thanked the residents for attending the Town Board meetings and for their feedback and involvement. She welcomed new Councilman Ed Graber and stated that she is looking forward to working with him and the Town Board members. Her wish and goal for 2008 is to move forward with civility, open minds and with a willingness to compromise and listen. She thanked the Town Board Officials for their help in serving the residents. Supervisor Travers Murphy stated new items for 2008 are: the new phone system, 24/7 taxpayer hotline, budget relief, merger of the Town sewer districts with Erie County and merger of the Town Clerk and Tax Receiver offices. She spoke about bonding for Brush Mountain overhaul, a three year budgeting plan, progress on drainage problems for several neighborhoods, new and existing committee members to implement the Comprehensive Plan and new plans for a Medical Campus. Supervisor Travers Murphy stated that she considered it a great privilege to hold office.

Councilwoman Ackerman – She stated that she was happy to be here and thanked everyone for the opportunity to serve as a Town Board member for another four years. She stated that her service for the past sixteen years has been a great passion in her life and enriched her life due to the people she has met and the growth she has experienced. Councilwoman Ackerman congratulated Councilman Graber and stated that she is looking forward to working with him. She is pleased to have the civility rule and is looking forward to four more years of serving to the best of her ability.

Councilman Graber – He thanked the citizens of Orchard Park and the Town Board for the opportunity to serve and pledged to do his best.

Councilman Kaczor – He welcomed Councilman Graber to the Town Board. He thanked Recreation Director Ed Leak, Recreation Director Audrey Ramage and the Recreation Committee for all their contributions to the Town of Orchard Park. He thanked Chairman Dan Ransom and Town Historian Sue Kulp of the Historic Preservation Committee for their efforts in completion of the Historic Preservation Ordinances for the Town and obtaining Local Government Certification status by New York State and Federal Department of Interior. He reported the work being done by Chairman John Bailey and the Economic Development Committee with the study they have undertaken with the University of Buffalo to serve the Town’s needs. Councilman Kaczor spoke about the changes in accounting procedures and financial forecasting with the Town Accountant Wayne Drescher and the Town Board. He thanked Lucy Curley, the Town grant writer, for her work along with Councilwoman Ackerman’s efforts in the purchase of the property for recreation lands. Councilman Kaczor thanked all the departments for their help in gathering information for these grants. Councilman Kaczor spoke about; moving forward with the Comprehensive Plan, finalize contractual agreements with Labor Unions, redevelopment of Yates Park, moving ahead with Brush Mountain Recreation Park, mutual services grant with Town, Village and School, drainage problem projects, internal departments cost savings and Erie County Sewer District merger.

Councilman Dietrick – He congratulated Councilman Graber and is looking forward to working with him. He thanked the Town Board members for their open, honest and ethical approach to some of the issues in the past year. He thanked the union employees for their openness to conversation on the insurance benefits. Regarding the Recreation Department, Councilman Dietrick thanked the Department Heads for their cooperation in terms of volunteer groups. In regard to public safety, he thanked the residents, law enforcement and the Public Safety Committee for their input. He spoke about continued work on the budget, insurance, and commitment to acquisition of land, green space and buffers. He stated he would work toward a “Adopt a Trail” program, continuation and protection of the Youth Court and a grant for sidewalks near and around the schools.

Town Clerk Colarusso – She thanked everyone for all their support and the opportunity to serve as the Town Clerk of Orchard Park.

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

RESOLVED, that the Town Board does hereby authorize the appointment of Norman J. Stocker, 7285 Irish Hill Road, Ellicottville, NY 14731 as the Town of Orchard Park’s public employer member to the compulsory Interest Arbitration Panel in relation to negotiations between the Town of Orchard Park and the Orchard Park Police Benevolent Association, as recommended by the Town Attorney.

The resolution was unanimously adopted.

Erie County Legislator Mills – He reported that the capital bonding of \$52,000,000 was passed by the Legislature which will help with the renovation of Chestnut Ridge Road Casino, replacement of the North Freeman Road Bridge and drainage for the Erie County roads. He has applied for grants to aid in the budget crisis in Erie County. He thanked the residents for their faith in him and thanked everyone for their part in helping to bring back Erie County.

11) 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 #1 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$136,526.18
Part Town Fund	\$6,915.36
Risk Retention	\$293.60
Cemetery Fund	\$0.00
Highway Fund	\$87,180.86
Special Districts	\$7,337.10
Trust & Agency	\$5,198.35
Capital Fund	\$0.00

The resolution was unanimously adopted.

There being no further business from the floor, on motion by, seconded by Councilman Dietrick, to wit: the meeting was adjourned at Councilman Kaczor 7:53 PM (local time).

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Janis Colarusso", with a long horizontal flourish extending to the right.

**Janis Colarusso
Town Clerk**

