

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 3<sup>rd</sup> day of January 2007 immediately following the Organizational Meeting. 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
	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.”*

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

**RESOLVED**, that the minutes of the Meeting of the Town Board held on November 15, 2006 and the Special Meeting/Executive Session Minutes held on December 27, 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.**

**New Business #1 Create Position of Aquatic Director and Appoint for the Recreation Department**

2) 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 create the Position of Civil Service titled full-time Aquatic Director for the Recreation Department, and be it further

**RESOLVED**, that the Town Board does hereby appoint Angela Tuchols, 360 Bernhardt Drive, Snyder NY, 14226, to the fill-time position of Aquatic Director, White Collar Union Pay Scale Range 4, Step E, as of January 1, 2007, provisionally, upon passing the required Erie County Civil Service Exam and placing in one of the top three grades, as recommended by the Recreation Director.

**The resolution was unanimously adopted.**

At this time the Recreation Director, Ed Leak, introduced Ms. Tuchols, who was in the audience. He gave a brief synopsis of her education and accomplishments. He also stated Ms. Tuchols has worked in the Recreation Department on a part-time basis the last eighteen months. Mr. Leak stated that the Town is very fortunate to have Angela Tuchols as a full-time employee.

**New Business #2 Building Department to attend the Niagara Frontier Building Officials Conference**

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

**RESOLVED**, that the Town Board does hereby approve the request from the Building Inspector, Andy Geist, for he, along with David Holland, Merrill Porter and David Jensen, to attend the Niagara Frontier Building Officials Annual Conference, to be held on January 29, 30 and 31, 2007 at the Buffalo Niagara Marriott Hotel, at Town Expense.

**The resolution was unanimously adopted.**

**New Business #3 (Tabled)** Town Board to adopt the Erie County All Hazard Mitigation Plan.

**ELECTED OFFICIALS AND DEPARTMENT HEADS**

**Budget Transfers**

4) 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 approve the following 2006 Budget Transfers:

<b>Town Engineer:</b>	\$ 470.00	From: A.1440.445	Vehicle Maintenance
		To: A.1440.475	Gasoline
<b>Dog Control</b>	\$ 300.00	From: A.3510.0419	Other Expenses
		To: A.3510.0111	Asst. Dog Control
	\$ 150.00	From: A.3510.0400	Supplies
		From: A.3510.0111	Asst. Dog Control

**And be it further**

**RESOLVED**, that the Town Board does hereby authorize the following transfer of appropriations within the Town's 2006 budget to cover the cost of outside legal issues/attorney's cost:

**Increase appropriations account:**  
A.1420.455 Law-Outside Legal Service \$ 16,500.00

**Decrease appropriation account:**  
A.1910.480 Special Items – Contingent \$ 16,500.00

**The resolution was unanimously adopted.**

At this time Supervisor Travers Murphy gave her outline for the 2007 New Year. She stated she was thrilled to start her second year in office. She encouraged her fellow board members to work with her for she is willing to work with them. She quoted Former President Gerald Ford by saying "I do not mind adversaries, I just don't think we should be enemies." She stated that she understands the Town Board Members will disagree, but should respect and have tolerance for one another's opinions and positions. She stated she does realize the Town Board Members are here to work for the citizens and taxpayers of the Town, who in turn expect the Town Board to conduct their business with dignity not with acrimony. Supervisor Travers Murphy stated at the top of her list for the Year 2007 was to settle the contracts between the three (3) unions. Controlling cost is another item on the list. She stated outside legal fees need to be addressed. Another item is the Ethics Board and she believes there are issues that need to be resolved. She would like to see a comprehensive plan in place for this year. She also would like to see an updated phone system, so that residents can have an open line of communications twenty-four hours a day. Lastly, there is the subject of drainage and a resolution for it. She feels this Town has the best and the brightest residents, she would like to see everyone getting involved.

Councilwoman Ackerman spoke about the recycling day listed on the agenda under communications. She also discussed the C's that add up to Community; the Collection and Compilation of information, the Communication among ourselves, the Consideration that we have weighing each of our opinions and the Consensus that we arrive at in the end when we vote. She quoted columnist, George Will, who once said, "Our founding fathers founded our system of government so that it would encourage gridlock". Councilwoman Ackerman stated that when things are going badly, and occasionally there are differences of opinion on any serving board, she blessed the gridlock, because that way they can't do any harm. On the other hand, she stated that we need to acknowledge the fact that politics is a very important part of our system. Councilwoman Ackerman felt that our founding father meant that politics should be used utilized only for the proper and peaceful exchange of government service as the individuals change in office. Politics then needs to be set aside and individual agendas should be to unite to serve the community. She quoted a saying from government attorney, Jim Baker, "Prior preparation prevents poor performance". She hopes that everyone will work hard to prepare for the future. Councilwoman Ackerman stated that she was pleased to welcome Councilwoman Yeomans to the Town Board.

Councilwoman Yeomans thanked everyone who attended tonight to witness this very important evening for her as she was sworn into office. She stated that she heard from the residents as she campaigned what they wanted for the future and she asked that the communication continue and she promised to work for these goals. Councilwoman Yeomans stated that it is an honor to serve the community and she would always remember and respect the trust placed in her.

Councilman Kaczor welcomed Councilwoman Yeomans to the Town Board. He stated that they have been communicating for the last two months via e-mail and he is looking forward to working with her.

Councilman Dietrick thanked the residents for last year's support and his recommitting to being an honest and ethical Councilman, supportive of open government. He wants to go to work on the unfinished business of last year, most notably the settlement of three contracts.

Town Clerk, Janis Colarusso, welcomed Councilwoman Yeomans and offered assistance to her and all the Town Board Members and Department Heads.

Highway Superintendent Piasecki reported that he wanted to thank NYSEG for their donation of two generators, one for the Town and one for the Village. These were generously given to assist in any future emergency that may occur, as in the surprise 2006 October storm. He also reported that Erie County has sent the contracted snow plowing money to the Town for \$37,880.94.

**DEPARTMENT HEADS FROM THE FLOOR**

5) 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 approval of all entries on Warrant #1 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$151,322.40
Part Town Fund	6,270.41
Risk Retention	0.00
Cemetery Fund	0.00
Highway Fund	77,735.88
Special Districts	49,855.95
Trust & Agency	10,270.13
Capital Fund	163,582.97

**The resolution was unanimously adopted.**

**Receive & File Communication and Report**

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

**RESOLVED**, that the Town Board does hereby receive and file the following Communication: Erie County Department of Environment & Planning: A recycling day for computers and textiles, Saturday, January 13, 2007 from 9:00 AM to 1:00 PM, at the Buffalo Zoo parking lot, and be it further

**RESOLVED**, that the Town Board does hereby receive and file the following Report: Building Inspector's Monthly Report and Building Permits for December 2006.

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

**Henry Heppner, 5 Ridgewood Drive:** Mr. Heppner is a member of the Recreation Commission and commended the Town Board for the appointment of Angela Tuchols to the Recreation Department.

**Jim Crow, 2 Creekside Drive:** Mr. Crow asked the Town Board to work together to rectify drainage, development and traffic issues with diplomacy this year.

**Robert Frantsits, 4270 California Road:** Mr. Frantsits wanted to know if there was anything from the County on his drainage problem. Supervisor Travers Murphy said she would contact Legislator Mills.

**Nicholas Taneff, 279 Summit Avenue:** Mr. Taneff thanked the Town Board for his appointment to the Public Safety Committee.

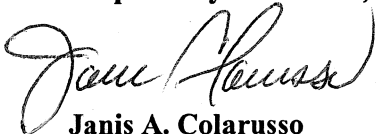
**Sue Cushman, 27 Hawthorne Avenue:** Mrs. Cushman congratulated the entire Town Board and wished them a Happy New Year. She stated that a year ago at this time, she asked the Town Board, how can they provide information on what boards and committees have openings so that the residents could become more involved in Town Government. Ms. Cushman expressed her disappointment that the Town Board failed to provide a means by which the residents could find out what openings are available prior to the Organizational Meeting. She encouraged the Town Board to let the citizens of Orchard Park know when there is an opening on the boards and committees so they can get involved.

Councilman Kaczor stated that all the committees are listed on the Town website. He explained that there are some instances where the Town Board would receive recommendations from the different committees. The procedure would be to send a resume to the Supervisor, attend one of the public meetings that would be of interest and observe what the committee entails. Some have sub-committees that might recommend a person who has been involved on other committees.

**Howie Holmes, 4684 Freeman Road:** Mr. Holmes asked about the political sign issue. Town Attorney Berkowitz advised the Supervisor not to comment on regard to political signs pending litigation. Councilman Kaczor stated this is an issue being negotiated between the local parties.

There being no further business from the floor, on motion by Councilman Dietrick, seconded by Councilman Kaczor, to wit: the meeting was adjourned at 7:28 PM (local time).

**Respectfully Submitted,**



**Janis A. Colarusso  
Town Clerk**

