

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 19th day of January 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	Councilman
	David R. Kaczor	Councilman
	John J. Mills	Councilman
	Janis A. Colarusso	Town Clerk
	Leonard Berkowitz	Town Attorney
	Andrew Geist	Building Inspector
	Samuel McCune	Chief of Police
	Ronald A. Geitter	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."*

Recreation Department Recognition Awards Ceremony

Edward Leak, Recreation Director, stated that in order to make positive things happen in the community, you have to turn to the community for help. As in any community, there are always the certain community leaders who will always step forward to help when asked. Tonight, the Recreation Department and the Town Board wished to honor three such individuals. Ed Leak, Recreation Commission Chairwoman Audrey Ramage and Supervisor Toni Cudney gave Plaques of Appreciation to Gerard Cappelli of Cappelli's Pizzeria, Anthony McCarthy of McCarthy Ford and Matt Lattimer of Subway to thank them for their support of the Recreation Department through their continued involvement and contributions. The Town Board members echoed their appreciation of the continued efforts of these individuals in helping to make this Town a better place to live.

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

RESOLVED, that the minutes of the Town Board Meetings held on December 15, 2004 & the 2005 Organizational Meeting Minutes, 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 Authorize the Release of Escrows under PIP 2003-01, Hilltowne Park Subdivision

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

WHEREAS, on November 12, 2003, the Town Board accepted dedication of the public improvements constructed in PIP #2003-01, Hilltowne Park subdivision, with the stipulation that funds be held in escrow until grading and seeding within the detention basin and the survey Monumentation were completed, and

WHEREAS, the contractors have since completed the required grading and seeding within the detention basin, and the survey Monumentation placement, which were 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 Tom Greenauer Development, Inc., PO Box 250, Springbrook, New York 14140, \$1000 held in escrow for Grading and Seeding in the Hilltowne Park Subdivision, PIP #2003-01, and be it further

RESOLVED, that the Town Board does hereby authorize the Town Clerk to release to Fischione Construction Co., Inc., 2151 Transit Road, Suite B, Elma, New York 14059, \$1000 held in escrow for Monumentation for the Hilltowne Park Subdivision, PIP #2003-01, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #2 Schedule a Public Hearing to Rezone Property from I-1 to B-1/Quaker Crossing

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

RESOLVED, that the Town Board does hereby schedule a Public Hearing for Wednesday, February 16, 2005 at 7:00 PM to rezone 18+ acres of vacant land for Quaker Crossing, Phase II, bounded by Amelia Drive, Amanda Drive, North Benzing Road and Milestrip Road, from I-1 to B-1, to construct a plaza.

The resolution was unanimously adopted.

New Business #3 Schedule a Public Hearing to Rezone Property for a Senior Housing Facility

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 schedule a Public Hearing for Wednesday, February 16, 2005 at 7:00 PM to rezone 13.91 acres of vacant land, north side of Milestrip Road, east of Provincetown Lane, from R-3 to S-R to construct an affordable senior housing facility as petitioned by CRS Property Services Co., LLC.

The resolution was unanimously adopted.

New Business #4 Schedule a Public Hearing for Conservation Easement requests

5) 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 Schedule a Public Hearing for Wednesday, February 16, 2004 at 7:00 PM, for the following residents who applied for a Conservation Easement:

- George & Marie Preshoff, 5721 Seufert Road. Requesting a perpetual conservation easement on 6 acres. The Conservation Board, 1/4/05, recommends the easement.
- Jack King & Laurice Cushion, 6856 Scherff Road. Requesting a perpetual conservation easement on 9.3 acres. The Conservation Board, 1/4/05, recommends the easement.
- Boston Valley Pottery, Inc., vacant land, east side of South Abbott Road. Requesting a perpetual conservation easement on 42.8 acres. The Conservation Board, 1/4/05, recommends the easement with the understanding that the amount of land included in the easement will be 41 acres, which excludes the existing gravel pit in the front of the parcel.

The resolution was unanimously adopted.

New Business #5 Declare Garage at 4537 Abbott Road a “Dangerous and Unsafe Building”

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

RESOLVED, that the Town Board does hereby declare the garage at 4537 Abbott Road a “Dangerous and Unsafe Building”, and authorize the Town Attorney to notify the owner to make the structure secure or demolish it, and be it further

RESOLVED, that the Town Board does hereby schedule a Public Hearing for Wednesday, March 2, 2005 at 7:00 PM in the matter of the unsafe/dangerous building at 4537 Abbott Road.

The resolution was unanimously adopted.

New Business #6 Authorize Ed Leak & Theresa Gang to attend the NYS Recreation & Conference

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

RESOLVED, that the Town Board does hereby authorize Edward Leak, Director of Recreation and Theresa Gang, Recreation Supervisor, to attend the New York State Recreation & Parks Annual Conference, to be held in Rochester, New York, April 10 – 13, the cost of the conference will be covered under the current budget for the Recreation Department.

The resolution was unanimously adopted.

\$ 200 From: A.7110.0450 Boat Launch
 To: A.7110.0448 Fertilizer

\$5,000 From: A.8540.0448 Drainage Maintenance
 To: A.8540.0400 Townwide Improvements

Town Engineer

\$100 From: 1440.0200 Engineering Equipment
 To: 1440.0475 Engineering Gasoline

Compost Site:

\$1,000.00 From: 800.8161.0149 P/T Personnel
 To: 800.8161.0111 Crew Chief

\$1,800.00 From: 800.8161.0440 Equipment Rental
 To: 800.8161.0416 Gas, Oil, Anti Freeze

\$900.00 From: 800.8161.0421 Electric
 To: 800.8161.0420 Telephone

The resolution was unanimously adopted.

Supervisor Cudney received a letter from the County Executive regarding the Erie County Community Development Block grant application, which stated that the Town received funding for the Rural Transit Service, and the Allen Street Reconstruction, but not for the Iroquois Drive Drainage project.

Supervisor Cudney said that on Saturday morning, January 22, the Town Board is going to meet in an Executive Session to interview for a new Town Assessor. Therefore she had to move her monthly morning "Supervisor's Coffee" to 1:00 PM in the afternoon.

Councilman Kaczor announced that the Recreation Department is now accepting applications for it's Spring/Summer Programs. Applicants must be 17 years of age, and can apply at the Recreation Building at Yates Park. He also said the Erie County Winter Festival is going to be held on January 29 & 30, from Noon to 5:00 PM. For the first time, the Orchard Park Recreation Department is going to participate with the County in this fun event.

Councilman Mills discussed the interview process for the Assessor's position, and he hoped they have someone in that position soon. Councilman Mills stated that Adelphia Cable sent a letter-announcing rate increases. He feels this is unfair to the residents of this area, as they have no other cable vendor to use.

DEPARTMENT HEADS FROM THE FLOOR**No Reports Given**

11) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR CUDNEY, 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 #2 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$ 244,517.19
Part Town Fund	\$ 1,427.41
Risk Retention	0
Cemetery Fund	0
Highway Fund	\$ 69,883.40
Special Districts	\$ 152,131.64
Trust & Agency	\$ 4,575.00
Capital Fund	\$ 176,407.62

The resolution was unanimously adopted.

Receive & File Communications and Reports

12) 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 Communications:

- New York State Department of Transportation: 1) Plans to resurface NY 240 in the Towns of Aurora and Orchard Park The work will begin at Davis Road and continue to NY 277 Junction and will consist of micro-surfacing overlay. 2) Plans to resurface US 20A in the Towns of Orchard Park & Aurora. The work will begin at Freeman Road, continue to the East Aurora Village Line and will consist of single course asphalt concrete overlay. 3) Plans to resurface NY 277 and Armor-Duell's Road in the Towns of Boston and Orchard Park. The work will begin at the NY 391 junction and stop at the Chestnut Ridge Park entrance, resume at Powers Road and stop at the NY 240 junction.
- Erie County Department of Environment & Planning sent a notice stating the Iroquois Drive Drainage Rehab submitted by the Town of Orchard Park was not selected for the 2005 Community Development Block Grant Funding.

The resolution was unanimously adopted.

13) 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 receive and file the following Reports: Building Inspector's Monthly Report and Building Permits for December 2004, and Chief's Monthly Report for December 2004.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Raymond Waite, 48 Auckland Avenue: Mr. Waite felt that even though the Town Board granted a rezoning to Jim Ball Auto Center, he felt there are still many thing to consider. First of all Public Safety; second, why have a Public Hearing at all if the Town Board does not listen to the residents; third, questions during the Public Hearing have not been answered; and fourth, there are site plan discrepancies.

Joseph Ippolito, 3085 Southwestern Boulevard: Mr. Ippolito had question regarding the interview process for the new assessor. He also spoke once again about the assessments in the Town of Orchard Park, and the process that took place this past year.

There was a moment of silence for Al Norman, a former Town employee and father of one of the Orchard Park Police Detectives, and the Town Board Meeting was adjourned in his honor.

There being no further business from the floor, on motion by Supervisor Cudney, seconded by Councilwoman Ackerman, to wit: the meeting was adjourned at 7:49PM (local time).

Respectfully Submitted,



**Janis A. Colarusso
Town Clerk**

