

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 15<sup>th</sup> day of March 2006 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 W. Ackerman	Councilwoman
	Stanley A. Jemiolo, Jr.	Councilman
	David R. Kaczor	Councilman
	Mark C. Dietrick	Councilman
	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 SUPERVISOR TRAVERS MURPHY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN ACKERMAN, TO WIT:

**RESOLVED**, that the minutes of the Town Board Meeting(s) held on March 1, 2006, and the Special Meeting/Executive Session held on March 1, 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.**

**Old Business #1 Uniland Development, 3345 Southwestern Blvd., Request for additional Parking**

2) 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 authorize the Revised Site Plan for additional parking for Uniland Development, 3345 Southwestern Boulevard, Zoned B-2. The Planning Board, 1/5/06, recommends this approval with the following stipulations:

- A Negative Declaration was issued by the Town Board for the original site plan on 9/18/02,
- Dumpsters on the site shall be screened in accordance with Section 144-25 of the Town Code.
- No outside storage or display is permitted.
- As per lighting plan C-3, two additional post fixtures will be added and they shall be consistent with the existing light fixtures, and are acceptable to the Planning Board and Town Board.

**The resolution was unanimously adopted.**

**New Business #1 Award Contract for Backflow Prevention Device Installations**

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

**WHEREAS**, the Village of Orchard Park has requested the Town to install backflow prevention devices in the Orchard Park Senior Center and the Orchard Park Public Library to comply with the New York State Sanitary Code Subpart 5, from the New York State Department of Health, ECWA and Orchard Park Village requirements, and

**WHEREAS**, the Engineering Department has completed the necessary paperwork for the Orchard Park Senior Center and the Orchard Park Public Library: the Engineering Report, Department of Health Form-347, which must be signed by the Town Engineer and Town Supervisor (owner), the design approval criteria checklist for the Department of Health and the Erie County Water Authority, and plans showing the proposed location of the backflow prevention devices, and

**WHEREAS**, the two facilities will require installation of the backflow prevention devices in the mechanical rooms, and installation of the backflow prevention devices will require the shut down of water for both facilities for one day and possibly two days which would result in both facilities being closed. The contractor has agreed to work on Sunday, if necessary.

**WHEREAS**, the Engineering Department has received three informal quotes for this work and has reviewed the scope of work and associated costs of the three contractors who submitted bids.

**WHEREAS**, the low bidder for the project was MKS Plumbing Corporation, which has been in business since 1994 and has completed many similar projects

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign the New York State Department of Health Form-347 for the Orchard Park Senior Center and the Orchard Park Library, and be it further

**RESOLVED**, that the Town Board does hereby award the contract for installation of Backflow Prevention Devices for the Orchard Park Senior Center and the Orchard Park Public Library to the lowest responsible bidder, MKS Plumbing Corporation, 19 Ransier Drive, West Seneca NY 14224, in the amount not to exceed \$6,500.00, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #2 Change from provisional Construction Inspector to Permanent for Craig Wilson.**

Councilman Kaczor stated this item does not need a resolution this evening. He stated Craig Wilson was appointed as a provisional Construction Inspector, on October 6, 2004, in the Engineering Department with a six month probation period. Mr. Wilson has completed all the Civil Service requirements, in which he placed #1. Councilman Kaczor stated Mr. Wilson is now a permanent appointment to the position.

**New Business #3 Approve Part-time Staff Appointment to the Engineering Department**

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

**WHEREAS**, Greg Graham has worked for the Engineering Department almost thirty years, and with his professional survey license, has been an integral part of the department due to his knowledge and experience as a surveyor, and

**WHEREAS**, Greg Graham will officially retire on March 31, 2006, and

**WHEREAS**, Greg Graham has agreed to work for the Town of Orchard Park on a part-time basis, with a maximum of 19.5 hours a week at \$22.00 an hour.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby appoint Gregory Graham, 1671 Bowen Road, Town of Elma, to a Part-time Position in the Engineering Department, beginning April 17, 2006, at a wage rate of \$22.00/hour, as recommended by the Town Engineer.

Councilwoman Ackerman stated that there is a regulation in the Town Code that Town employees should be residents of the community. She stated that Greg, and almost all of the people who are currently employed by the Town, but not residents of the Town, were hired prior to the regulation being passed. Anyone the Town has hired since the regulation was put in place, who are not residents of the municipality, are people who have special skills that the Town Board was unable to find anywhere else, with extenuating circumstances.

**The resolution was unanimously adopted.**

**New Business #4 Authorize Joint Department Purchase for the Police & Highway Departments**

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 Highway Superintendent and the Chief of the Police to do a "Joint Department Purchase" for a New 2006 Utility Vehicle and Trailer, with a portion of the cost paid by a grant (\$6,209.00) given to the Police Department.

**The resolution was unanimously adopted.**

**New Business #5 Authorize the Supervisor to Sign the Contract for July 4<sup>th</sup> Firework's Display**

6) 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 authorize the Supervisor to sign the Contract with Skylighters of Western New York, Inc., 3362 Baker Road, in the Town of Orchard Park, for the Annual 4<sup>th</sup> of July Fireworks Display.

**The resolution was unanimously adopted.**

**New Business #6 Schedule Joint Public Hearing w/Village of Orchard Park**

7) 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 Joint Public Meeting with the Orchard Park Village Board, for Saturday, March 25, 2006 at 1:00 PM, in the Supervisor's Conference Room, and be it further

**RESOLVED**, it is the intent of the Village and Town Boards to adjourn to an Executive Session to discuss the joint use and occupancy of the Town Hall by the Village and the Town, 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 #7 Schedule Public Hearing for Section 112-6 of the Town Code**

This item was removed from the agenda this evening.

**New Business #8 Orchard Park Little League Requesting to Schedule Opening Day Ceremonies**

8) 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 authorize the Orchard Park Little League to hold their Annual Opening Day Ceremonies, Saturday, May 13, 2005, with the festivities beginning with a parade at 11:00 AM from the South Davis Elementary School parking lot, proceeding down South Davis along Thorn Avenue to Duerr Road, and on to the entrance of the Little League Diamonds.

**The resolution was unanimously adopted.**

**New Business #9 Spring/Summer 2006 Staff Appointments for the Recreation Department**

9) 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 Spring/Summer 2006 Staff Appointment to the Town of 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>
Angela Tuchols	360 Bernhardt Drive, Snyder NY	PT5-E Recreation Supervisor

**The resolution was unanimously adopted.**

**New Business #10 Refer to the Planning Board and/or Conservation Board**

10) 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 the following request to the Planning Board and/or Conservation Board: Gian Carlo & Roberta Bruni, 5100 Big Tree Road. Requesting to convert their home into a small fine dining restaurant and would like to reside in the house located on the back of the property.

**The resolution was unanimously adopted.**

**ELECTED OFFICIALS AND DEPARTMENT HEADS**

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

**WHEREAS**, the Town Board wishes lake water quality issues to be considered under the direction of the Town's Parks Department, and

**WHEREAS**, the Town's 2006 adopted budget included funding to address lake water quality within the Recreation Department's budget, and

**WHEREAS**, the Town wishes to place such budgetary appropriations under the appropriate department's control.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the transfer of budgetary appropriations relating to lake water quality from the Recreation Department to the Parks Department as follows:

<b>\$9,000.00</b>	<b>From:</b>	A.7020.238	Lake Water Quality Maintenance
	<b>To:</b>	A.7110.238	Lake Water Quality Maintenance

**The resolution was unanimously adopted.**

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

**WHEREAS**, the Town of Orchard Park has authorized the sum of \$25,000.00 for the updating the Town's Assessment information and Data, and

**WHEREAS**, the Town Assessor, Milt Bradshaw, has requested that the Town hire a Professional firm to do digital photographs to help update the data in his office, and

**WHEREAS**, GAR Associates, Inc., has submitted a Contract to coordinate the digital photography of about 6,700 parcels, applying the images to the Real Property System Version 4, and providing a backup copy of all images taken on CD.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign a Contract with GAR Associates, 3399 Sweetholm Road, Amherst NY, to provide digital photographs of approximately 6700 parcels, at \$2.00 a parcel, with the total amount being \$13,400.00, and the work is to be completed by June 30<sup>th</sup> of this year, as recommended by the Town Assessor.

**The resolution was unanimously adopted.**

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

**WHEREAS**, there is a vacancy on the Board of Ethics due to Michael Sherry's retirement from the Police Department as Assistant Chief of Police, and

**WHEREAS**, the full complement for the Board of Ethics is five members, and one has to a full-time employee of the Town of Orchard Park.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby appoint Bruce Wellington, Director of the Compost Center, 6815 Scherff Road, Orchard Park NY 14127, to fill the unexpired term of Michael Sherry on the Board of Ethics.

**The resolution was unanimously adopted.**

Councilwoman Ackerman announced that "Artsplash", the display of artistic works by the students of Orchard Park, has been reinstated and will be on display at the Bank of America. After the works of art have been displayed at the bank, many of the works will be displayed in the Town Hall. Councilwoman Ackerman then gave updates to the progress of the Comprehensive Plan and said she hopes that they will have a copy of the Comprehensive Plan, in a proper format to be read and reviewed, by the 1<sup>st</sup> of May, and hopefully adopted by June of this year.

Councilwoman Ackerman announced that Assemblywoman Sandra Lee Wirth, New York State Legislator, and Henry G. Gossel, State Supreme Court Justice, have passed away. They both made tremendous contributions to Western New York.

Councilman Dietrick stated he would like to commend the many businesses in the Town of Orchard Park for their contributions to the community through donations of time, money and products. The tremendous contributions of the Orchard Park businesses help support the recreational programs in the Town.

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

**WHEREAS**, Gregory Haskell, 7636 Ellicott Road, Town of Orchard Park, had filed for a 15 year Conservation Easement on the 19<sup>th</sup> of May 2004, and

**WHEREAS**, Mr. Haskell wishes to modify the time of the Conservation Easement to Perpetuity

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the filing of the modification for the Conservation Easement for Gregory Haskell, 7636 Ellicott Road, from 15 years to in Perpetuity, as recommended by the Town Attorney.

**The resolution was unanimously adopted.**

Highway Superintendent, Fred Piesecki, stated that the highway department has started some spring cleanup and will be doing tree maintenance and replacing worn out signage.

**Department Heads from the Floor:**

No one spoke

**State and County Representatives:**

**John Mills, County Legislator:** He talked about Mr. Frantsits' flooding problem, and what can be done to help him; moving his district office from Orchard Park to East Aurora; and the legislation regarding the cell phone charges – he voted against the 30 cent surcharge for 911 services.

**15) 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 approval of all entries on Warrant #6 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$138,769.86
Part Town Fund	\$288.59
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$30,305.07
Special Districts	\$154,504.82
Trust & Agency	\$5,225.58
Capital Fund	\$7,245.00

**The resolution was unanimously adopted.**

**Receive & File Communications**

**16) 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: Erie County Department of Environment & Planning: Saturday, May 6, 2006, 8:00 AM to 4:00 PM, there will be a Latex Paint Recycling Project to collect unwanted latex paint from Western New York households. Drop-off will be at the GM Powertrain Tonawanda Engine Plant on Vulcan Street, the parking lot entrance at Rosedale Street, between River Road and Kenmore Avenue, and be it further

**RESOLVED**, that the Town Board does hereby receive and file the following Reports: Chief of Police's Monthly Report for February 2006, and the Building Inspector's Monthly Report & Building Permits for February 2006.

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

**Marion Snyderman – 38 Woodview Court:** Ms. Snyderman had 30 plus letters from residents along the Smokes Creek flood plain stating their concerns with the flooding that has taken place. These letters are going to Senator Volker, with copies to Assemblyman Schroeder, Legislator Mills and to the Orchard Park Town Board. She also wanted the Board to know that the residents along the flood plain are being pro active and will do what ever is asked of them to help the situation.

**Nick Taneff – 279 Summit Avenue:** Mr. Taneff addressed Legislator Mills. He stated that due to the lackluster, ineffective previous legislator, he asked Legislator Mills to raise his right hand and solemnly swear to “love honor and cherish Erie County, till death do you part” to which Legislator Mills did.

**Jeff Wilson – 358 South Lincoln Ave.:** Mr. Wilson had some questions regarding the engineering department hiring practices. He sent a letter to the Supervisor and the Town Board requesting this information. Mr. Wilson was told the letter would be reviewed and a response will be forthcoming.

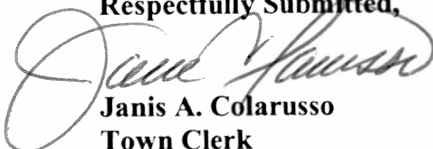
**Ron Stadelmaier – 73 Eaglebrook:** Mr. Stadelmaier wished to know the status of the volleyball court application on Weiss Ave. He asked if the SEQR has been completed and if so, did the Town made any decision regarding the SEQR. The response was that no decision has been made regarding the volleyball court or on the SEQR. Councilwoman Ackerman stated that Mr. Hill and Mr. Downing have talked about putting approximately twelve acres of the property into a conservation easement and a possible berm for screening. Supervisor Travers Murphy stated that Mr. Downing was in the office today talking to Dr. Lorenzetti about the land to be set aside for a conservation easement.

**Raymond Waite – 48 Auckland Avenue:** Mr. Waite said he knows Mr. Ball contributes a lot to the community and he hopes that Mr. Ball will spend as much money on the proper buffering of Auckland Avenue as he does on other things. Mr. Waite asked Councilman Jemiolo about another meeting for the buffering design. Councilman Jemiolo said he thought everyone at the last meeting felt the buffer design was good and appropriate for this project. Mr. Ball called Councilman Jemiolo to say he would spend the money for the buffer design that was approved and that there will be another meeting to firm up the design. Mr. Waite stated that he is still skeptical about the buffer being done appropriately. Councilman Jemiolo stated that everyone needs to move forward, set up a time for everyone to take the design to the Conservation Board, and get it approved.

**Dr. Anthony Lorenzetti – 24 Boldt Court:** Dr. Lorenzetti stated that his meeting with Mr. Downing was informational only, it was not a negotiation. He wants to make it perfectly clear that the residents are irrevocably against the proposed structure on Weiss Ave. Any proposed changes should be put in writing so the residents can get a clear picture of what is planned and decide what action to take. Councilwoman Ackerman said that if the rezoning does not take place, a developer may come in and build multi-family homes under the current zoning, which may be worse that what is currently proposed.

There being no further business from the floor, on motion by Councilman Jemiolo, seconded by Councilman Dietrick, to wit: the meeting was adjourned at 8:07 PM (local time) with a moment of silence for Sandra Lee Wirth and Henry Gossel.

**Respectfully Submitted,**



**Janis A. Colarusso**  
Town Clerk