

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 16th day of March 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."

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 Town Board Meetings held on February 16, 2005 and March 2, 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 the Proposed Conservation Easements for the following residents:

- Tony Hughes & Carole Owens, 5895 Cole Road. Requesting a perpetual easement on 6.37 acres of land. The Conservation Board, 2/15/05, agrees with the easement.
- Raymond Williams, 6806 Cole Road. Requesting a 15-year easement on 13.37 acres of land. The Conservation Board, 2/1/05, agrees with the easement.
- Frank & Rose Newton, 6463 Bunting Road. Requesting a 15-year easement on 123 acres (currently has a 10-year easement on the acreage). The Conservation Board, 2/1/05, agrees with the change from 10 years to 15 years.
- James & Toni Cudney, 5991 Scherff Road. Requesting a 50-year easement on 26.24 acres. The Conservation Board, 2/15/05, agrees with the easement.

And, to authorize the Town Assessor to determine the valuation of the properties, taking into account the limitation on the future use of the land, imposed by such Conservation Easements.

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

The Supervisor stated that since she and her husband are one of the applicants for a Conservation Easement this evening, she will now turn the Public Hearing over to Councilwoman Ackerman to conduct. The Supervisor also stated she would not be voting on this item this evening.

Councilwoman Ackerman asked if there was anyone in the audience who would like to speak for or against the applications for the Conservation Easement.

Comments from the floor: No one came forward to speak.

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

RESOLVED, that the Public Hearing in the matter of the Proposed Conservation Easements for Tony Hughes & Carole Owens, 5895 Cole Road; Raymond Williams, 6806 Cole Road; Frank & Rose Newton, 6463 Bunting Road and James & Toni Cudney, 5991 Scherff Road, is hereby closed at 7:05 PM.

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

The resolution was duly adopted.

3) 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 the following Conservation Easements: Tony Hughes & Carole Owens, 5895 Cole Road-perpetual easement on 6.37 acres of land; Raymond Williams, 6806 Cole Road-15-year easement on 13.37 acres of land; Frank & Rose Newton, 6463 Bunting Road-15-year easement on 123 acres (currently has a 10-year easement on the acreage); James & Toni Cudney, 5991 Scherff Road-50-year easement on 26.24 acres, as recommended by the Conservation Board, and be it further

RESOLVED, the Town Assessor is to determine the valuation of the properties, taking into account the limitation on the future use of the land, imposed by such Conservation Easements.

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

The resolution was duly adopted.

PUBLIC HEARING

At 7:06 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 1.4 acres of vacant land, east-side of North Buffalo Road and north of 3605 North Buffalo Road, from B-3 to R-2, in order to construct an 18-lot subdivision, as petitioned by Old Orchard Woodlands, Inc., which property is described as follows:

ALL THAT TRACT OR PARCEL OF LAND SITUATE in the Town of Orchard Park, County of Erie, State of New York, being part of Lot 14, Township 10, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the easterly line of Orchard Park Road at its intersection with the northerly line of lands conveyed to Paula Sepanik, as recorded in the Erie County Clerk's Office in Liber 11041 of deeds at page 3346; Thence easterly along the northerly line of said lands conveyed to Sepanik a distance of 332.51 feet; Thence southerly along a line at an exterior angle of 90°00'00" a distance of 241.45 feet to a point in the south line of lands conveyed to John Barnes as recorded in the Erie County Clerk's Office in Liber 3742 of deed at page 106; Thence easterly along the south line of said lands conveyed to Barnes at an interior angle of 90°00'00" a distance of 213.57 feet to a point 350' easterly of and perpendicular to the easterly line of Orchard Park Road; Thence northerly along a line at an interior angle of 59°40'04" and parallel with the easterly line of Orchard Park Road a distance of 422.90 feet to a point in the easterly line of lands conveyed to Alan Yox as recorded in the Erie County Clerk's Office in Liber 10887 at page 851; Thence southerly along the easterly line of said lands conveyed to Yox at an interior angle of 30°19'56" a distance of 63.56 feet; Thence westerly along the southerly line of said lands conveyed to Yox at an exterior angle of 90°00'00" a distance of 364.61 feet to the easterly line of Orchard Park Road; Thence southerly along the easterly line of Orchard Park Road being a curved line to the left having a radius of 2242.01 feet an arc distance of 68.05 feet to the point of beginning, containing 59,891 square feet more or less.

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.

At this time the Supervisor opened the meeting to anyone who wished to speak on this proposed rezoning this evening:

Sean Hopkins – Attorney representing Old Orchards Woodlands: He stated that they are also seeking "Open Development" status in which the infrastructure is privately owned by the homeowners association instead of publicly owned. Mr. Hopkins stated that at no point in the future would there be a connection to Diller Drive from this development, and the drainage issues will be addressed after they engineer the site. Mr. Hopkins also stated that this development is not going to go for the condominium form of ownership.

George Grasser – A (retired) Real Estate Attorney: He wanted to address issues pertaining to Homeowners Associations, Restrictive Covenants and private infrastructure (he also sent a letter to the Town Board with this information). The Town Board asked Mr. Grasser if there were any similar projects in this area that the Town Board could review. Mr. Grasser stated that there were over 100 HOA's in Western New York and another source of information would be the Communities Association Institute.

Dr. Paula Sczypanick – 3573 N. Buffalo Road: She stated her property (dental office) is adjacent to the proposed driveway of this project. Her concern was that if the rezoning took place, it would impact her commercial property. She was assured it would not affect anyone else, it is a small corner of the project site. She also had some concerns regarding traffic.

Barbara Little – 37 Diller Road: Ms. Little's property backs up to the proposed project site, she wanted to be assured that the project will not cut through to Diller Drive. She also wanted to make sure the sewer & drainage issues will be addressed.

Nicholas Taneff – 279 Summit Avenue: Mr. Taneff wanted to know if "drainage bonds" were an option on some of the construction sites.

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

RESOLVED, that the Public Hearing in the matter of the Proposed Amendment to rezone 1.4 acres of vacant land, east-side of North Buffalo Road and north of 3605 North Buffalo Road, from B-3 to R-2, in order to construct an 18-lot subdivision, as petitioned by Old Orchard Woodlands, Inc., is hereby closed at 7:27 PM.

Supervisor Cudney stated that there would be no action taken on this rezoning tonight.

The resolution was unanimously adopted.

Old Business # 1 Quaker Crossing Phase II

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

WHEREAS, the Town Board of the Town of Orchard Park has received a joint application for rezoning a 16.04 acre parcel of land located in the Town of Orchard Park, bounded by Milestrip Road, North Benzing Road, Amelia Drive and Amanda Lane from the current zoning classification of I-1 to B-1 in order to construct a retail plaza for Quaker Crossing, Phase II from Quaker Crossing LLC and Wellsville Carpet Town, Inc. and

WHEREAS, the applicant has submitted a full Environmental Assessment Form, Parts One and Two, under the provisions of the State Environmental Quality Review Act, Environmental Conservation Law Article 8 and 6NYCRR Part 617 in support of the application and,

WHEREAS, the Town Board of the Town of Orchard Park has previously declared the action to be a Type 1 action under the State Environmental Quality Review Act, has submitted the applicant's Environmental Assessment Form to appropriate involved agencies and has sought and received Lead Agency Status

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Orchard Park determines that under SEQRA Part 617.7 the proposed rezoning has the potential for one of more significant environmental impacts including the loss of I-1 zoning, traffic impacts and police and fire manpower capabilities; and be it further

RESOLVED, that the Town Board of the Town of Orchard Park hereby issues a Positive Declaration under SEQRA and hereby requires the applicant to prepare a Draft Environmental Impact Statement in accordance with SEQRA Part 617.9; and be it further

RESOLVED, that the DEIS must address the following items.

- Loss of I-1 Zoning
- Traffic Impacts
- Police and fire manpower capabilities

Councilwoman Ackerman stated that she would not vote for the Positive Declaration as the original Traffic Study was conducted for Quaker Crossing projected out to 2010 in its scope. The original Traffic Study recommendations were contingent on the type of development assumed (commercial or industrial) for the undeveloped land around the 219 interchange. All the improvements recommended by the original Traffic Study were put into place and the traffic infrastructure is underutilized at this time. While Councilwoman Ackerman said she feels it is appropriate to review and update the Traffic Study with this rezoning, she does not feel it necessitates a full EIS. She also feels that rezoning this 16 acres from industrial to business is not a significant impact on the I-1 areas in Orchard Park, and that any new development impacts the police and fire manpower capabilities. Councilwoman Ackerman stated that she has the highest regard for the Planning Board, but she disagrees with their recommendation at this time.

Councilman Mills stated that this project was over designed, and is currently underutilized, when it comes to traffic, but the NYSDOT insists on a traffic study, therefore he will vote for this resolution.

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

The resolution was duly adopted.

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

WHEREAS, following due and timely notice a Public Hearing relating to the matter of an amendment to the Zoning Ordinance of the Town of Orchard Park was conducted on February 16, 2005, at which time all interested parties were given an opportunity to be heard, which amendment provides as follows:

To rezone vacant land bordered by Amelia Drive, Amanda Lane, North Benzing Road and Milestrip Road from I-1 to B-1, in order to construct a +/- 165,000 sq.ft. retail center (Quaker Crossing Phase II) was petitioned by Quaker Crossing LLC, and

WHEREAS, no recommendation from the Erie County Department of Planning, pursuant to Section 239-m of the General Municipal Law was received, and

WHEREAS, a referral was made to the Planning Board which, after through review, unanimously voted to recommend that the Town Board approve the rezoning applications, with stipulations, and

NOW, THEREFORE, be it

RESOLVED, that the Zoning Ordinance and Zoning Map of the Town of Orchard Park be and are hereby amended by rezoning from I-1 to B-1, for the purpose of a retail plaza, 16.04 acres of vacant land on the east side of Amelia Drive, north of Milestrip Road as follows:

ALL THAT TRACT OR PARCEL OF LAND SITUATE in the Town of Orchard Park, County of Erie, State of New York being part of Lot 28, Township 10, Range 7 of the Buffalo Creek Reservation bounded and described as follows:

Beginning at the point of intersection of the southerly boundary line of Amanda Lane (Amanda Lane being 80.0 feet wide) with the westerly boundary line of Benzing Road (Benzing Road being 49.5 feet wide);

THENCE: Southerly, along the westerly boundary line of Benzing Road, a distance of 827.5 feet more or less to the northerly boundary line of Milestrip Road being the northerly line of lands acquired by the State of New York, Parcel No. 760;

THENCE: Westerly, along the northerly boundary line of Milestrip Road, being the northerly line of Parcel 760, a distance of 416.9 feet more or less to an angle therein;

THENCE: Westerly, continuing along the northerly line of Milestrip Road, being the northerly line of Parcel No. 760, a distance of 402.1 feet more or less to the easterly line of lands of Niagara Mohawk Power Corporation;

THENCE: Northerly, along the easterly line of Niagara Mohawk Power Corporation lands, a distance of 867.0 feet more or less to a point on the southerly boundary line of Amanda Lane;

THENCE: Easterly, along the southerly boundary line of Amanda Lane, a distance of 821.6 feet more or less to the point or place of beginning containing 16.04 acres be the same more or less.

AND BE IT FURTHER

RESOLVED, that this rezoning is contingent upon all potentially significant environmental impacts identified in the Environmental Impact Statement being adequately addressed, and be it further

RESOLVED, that this Ordinance shall take effect ten (10) days after publication and posting in accordance with law, and be it further

RESOLVED, that the Town Clerk publish and post a copy of said amendment in accordance with Sections 264 and 265 of Town Law.

Councilwoman Ackerman stated that she is going to vote for this resolution, even though it has the language about the Environmental Impact Statement, as she feels this rezoning is appropriate.

Supervisor Cudney asked Counsel how a rezoning could be approved prior to the SEQR process and contingent on the EIS. Mr. Berkowitz stated that when the EIS is accepted as complete, the rezoning would be final.

Councilman Jemiolo stated that this was a hard decision for the Planning Board to make. As stated, the original EIS was "beyond thorough", and no one on any of the Town Boards expects that there will be any remediation necessary with this project. But, the New York State Dept. of Transportation wants a Traffic Study to be done, and the best way to accomplish that is through SEQR.

Councilman Kazcor stated he is in favor of this rezoning, but it is the last time he will probably vote for changing the Zoning of Industrial Parcels as he feels they need to be maintained for future development. Councilman Kazcor stated that he not only speaks for himself, but for the Orchard Park Village & Town Economic Development Committee, which is also very concerned about the fact that we look at short term rezoning, and not look at what we need for the future generations in Erie County.

Councilman Mills stated that he feels that we should protect our industrial properties, but we are in a sad state of affairs within this state and county, and need to look at ways to increase our tax dollars through businesses.

Supervisor Cudney stated she will vote for this rezoning, provided it goes through the very stringent site plan review. She also has concerns about saving Industrial lands, and feels that Industrial parcels should be kept sacrosanct.

The resolution was unanimously adopted.

Old Business # 2 CRS Properties Services Co. LLC request to rezone property from R-3 to S-R

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

WHEREAS, This Town Board is the lead agency pursuant to the State Environmental Quality Review Act with regard to the proposed rezoning by CRS Properties, on 13.91 acres of land on the north side of Milestrip Road, east of Provincetown Lane from R-3 to S-R, and

WHEREAS, the Town Board has considered the Environmental Assessment form and the comments of individuals at the public hearing for the rezoning,

NOW, THEREFORE, be it

RESOLVED, that this rezoning may have the potential for significant adverse environmental impact, and accordingly, this Town Board makes a positive SEQR declaration and requires the preparation of an Environment Impact Statement and be it further

RESOLVED, that the Planning Coordinator is hereby directed to schedule a scoping session to determine the scope of the Environmental Impact Statement.

Councilman Mills stated that he is voting for this resolution tonight to move the process along, but he does not want to mislead the developer as has no intention of voting in favor of this project in the future.

The resolution was unanimously adopted.

Old Business #3 Wesleyan Church of Orchard Park request for a Building Permit

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

WHEREAS, the Wesleyan Church of Orchard Park, 7295 Ellicott Road, has requested a Building Permit to construct a new two phase Sanctuary/Fellowship Building connecting the existing gymnasium and church building, and

WHEREAS, the Planning Board, on March 9, 2005, has recommend approval of this project, and the site plan, with stipulations

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize a Building Permit for a new Sanctuary/Fellowship Building and approve the site plan received on 3/8/05 based on the following conditions and stipulations:

- This is an Unlisted SEQR action based on the submitted Long EAF, Parts One and Two and a Negative Declaration is made.
- The site lighting is limited to those fixtures and poles indicated on the approved site plan; the light fixtures shall have flat lens; the east & west perimeter pole lights shall have house shields; the lighting fixtures on the building are subject to review.
- No outside storage or display is permitted.
- Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with Section 144-25 of the Town Code.
- Town Engineering Approval was granted on 3/10/2005, Planning Board approval is granted pending approval from the Engineering Department
- A Landscape Completion Bond of \$33,339.00, or a certified check in the amount of \$16,669.50, in accordance with the Conservation Board Minutes shall be provided for the approved Landscape Plan, which includes 8.75% green space.

The resolution was unanimously adopted.

New Business #1 Schedule Public Hearing regarding a Local Law for the Year 2005

9) 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 schedule a Public Hearing for Wednesday, April 20, 2005, at 7:00 PM regarding a Local Law for the Year 2005; Alternate Members to the Planning Board and the Zoning Board of Appeals, 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 of Orchard Park.

The resolution was unanimously adopted.

New Business # 2 Approve Change Order #3 to the Contract with Janik Paving & Const., Inc.

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

WHEREAS, the Engineering Department is requesting a Change Order to the contract with Janik Paving & Construction Inc. for the comprehensive Water System Improvements Project Part 1 in the amount of \$1,505.00, and

WHEREAS, the Change Order is requested to perform additional work under their contract for the Comprehensive Water System Improvements Project – Part 1 by extending bid item 539.50 – Remove Existing Hydrant and Item 540.00 – Near Side Water Service Reconnection – ¾”, which work involves the removal of a hydrant at 6785 Milestrip Road as requested by the Erie County Water Authority

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the Change Order #3 to the Town’s contract with Janik Paving & construction, Inc., for the Comprehensive Water System Improvements Project – Part 1 in the amount of an increase of \$1,505.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #3 Request to send one (1) Police Detective to MAGLOCLLEN Conference

11) 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 approve the request of the Chief of Police to send Detective Joseph Wehrfritz to the MAGLOCLLEN Conference, March 21 – 25, 2005, for “Intelligence Led Policing in the 21st Century”, at Town Expense.

The resolution was unanimously adopted.

New Business #4 Highway Dept. to Standardize on Everest Snow Plow Equipment & Dump Bodies

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

WHEREAS, for the last couple of years the Highway Department has purchased Everest snow plow equipment and dump bodies off the State Bid Contract, and

WHEREAS, the Town Highway Superintendent wants to standardize the Snow Plow & Dump Body equipment as per Municipal Law Subdivision 5, Section 103

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the request of the Highway Superintendent to standardize the snow plow equipment on Everest, per Municipal Law Subdivision 5, Section 103.

The resolution was unanimously adopted.

New Business #5 Highway Superintendent request regarding 2005 Road Materials & Rentals

The Town Board will table this item this evening until they receive further information from the Highway Superintendent.

New Business # 6 Schedule Public Hearing for Conservation Easements

13) 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 schedule a Public Hearing for Wednesday, April 6, 2004 at 7:00 PM, regarding the following applications for a Conservation Easement:

- George Rozuk, vacant land on Draudt Road, 64.9 acres of land
- Christine Weitz, 6047 Seufert Road, 17.93 acres of vacant land
- Dennis & Marsha Petrus, 6543 South Abbott Road, 12.5 acres of land
- Mark Korzaniewski, 6390 Cole Road, add 10 acres to existing 12 acres Conservation Easement
- Albert Baratto, 7560 Jewett Holmwood Road, 5.8 acres of land
- Henry Lewandowski, 6106 Cole Rd, 34.66 acres of vacant land
- Ronald & Amy Banks, 6387 S. Abbott Rd, 5.72 acres of land
- Michael & Ivonne Cellino, 6855 Chestnut Ridge Rd., 40 acres of land

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 # 7 Refer to the Planning Board

14) 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 refer the request of David M. Smith, 15 Errington Terrace, to open a small gun business in his home to the Planning Board.

The resolution was unanimously adopted.

New Business # 8 Refer to the Conservation Board

15) 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 refer to the Conservation Board the following requests for Conservation Easements: Henry Lewandowski – 6106 Cole Road for 34.66 acres of land; Ronald & Amy Banks – 6387 S. Abbott Road for 5.72 acres of land; Michael & Ivonne Celino – 6855 Chestnut Ridge Road for 40 acres of land.

The resolution was unanimously adopted.

ELECTED OFFICIALS AND DEPARTMENT HEADS

Supervisor Cudney announced that the Town Board will not hold a work session on Wednesday, March 23, 2005. The next work session will be on March 30th at 6:00 PM.

Councilwoman Ackerman congratulated the winners of the Village Elections and said this Town Board looks forward to working with the newly seated Village Mayor and Trustees. She also stated that the Library Board met last night, and with the deep cuts in the County Budget for the Libraries, part time people have been laid off and there is some curtailment in the purchase of books. But, the Orchard Park Library has some discretionary funds that will be used to keep the hours of the Orchard Park Library the same, and will also help to purchase books. Councilwoman Ackerman stated the County cuts have also affected the Household Hazardous Waste Days. This year we will only have two collection days instead of four. The next one will be June 18th at Erie Community College South, from 9:00 am to 2:00 pm.

16) 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 Recreation Director to advertise for bids for "Recreation Department Service" (Safari Recreation Ware Package) software, with bids to be opened on April 8, 2005 at 10:00 AM in the Supervisor's Conference Room, as recommended by the Recreation Director.

The resolution was unanimously adopted.

DEPARTMENT HEADS FROM THE FLOOR

Recreation Director, Ed Leak, stated that this coming Saturday the Recreation Department will be collaborating with the Orchard Park Jaycees for it's annual Easter Egg Hunt. There will also be Arts & Crafts in the Rec. Building. Registration is at 9:00 AM.

17) 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 #6 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$98,772.99
Part Town Fund	\$339.16
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$34,837.68
Special Districts	\$139,839.75
Trust & Agency	\$30,302.13
Capital Fund	\$46,825.31

The resolution was unanimously adopted.

Receive & File Communications & Reports

18) 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 receive and file the following:

Communications:

- Erie County Industrial Development (ECIDA) Announcement of Public Hearing March 31, 2005, at 9:00 AM, in the basement meeting room of the Orchard Park Municipal Center, 4295 South Buffalo Street, for Genius Tools Atlantic Inc.
- The Erie County Executive's Office has sent out the following public notice: The Erie Community College Trustees Search Committee is now accepting resumes for appointment to the Erie County College Board of Trustees. For further information, you may contact 858-8500.

Reports:

- Building Inspector's Monthly Report for February 2005.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Nicholas Taneff – 279 Summit: Mr. Taneff stated the property at 199 Summit, which has gone into foreclosure and there is a "For Sale" sign on it, is in deplorable condition. He and his neighbors are worried about possible accidents at this site and asked the town to look into this.

Mary & Andrew Malawka– 3131 Southwestern Boulevard: Mary and Andrew live close to the new Tops Plaza and are surrounded by businesses. Since the Tops Plaza has opened, the garbage that is dumped on their property has increased dramatically. Also, they feel a privacy fence to protect them from the people who use the businesses next to them should be put in place. Mr. Malawka asked about the DEC restricting hunting on the south side of Southwestern Blvd. The Town Board stated that they will look into what can be done for the Malawka's.

Respectfully Submitted,


Janis A. Colarusso
Town Clerk