

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 6<sup>th</sup> day of July 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
	Stanley A. Jemiolo, Jr.	Councilman
	David R. Kaczor	Councilman
	John J. Mills	Councilman
	Janis A. Colarusso	Town Clerk
	Michael Wolf	Deputy Town Attorney
	Andrew Geist	Building Inspector
	Samuel McCune	Chief of Police
	Frederick Piasecki, Jr.	Highway Superintendent
	Wayne Bieler	Town Engineer
ABSENT:	Nancy W. Ackerman	Councilwoman
	Leonard Berkowitz	Town Attorney

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 CUDNEY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN JEMIOLO, TO WIT:

**RESOLVED**, that the minutes of the Special Meeting of the Town Board, held on June 15, 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.**

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

**RESOLVED**, that the minutes of the Special Meeting of the Town Board, held on June 22, 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.

Supervisor Cudney recused herself, as she was not present at this special meeting.

Supervisor Cudney	recused
Councilwoman Ackerman	absent
Councilman Jemiolo	aye
Councilman Kaczor	aye
Councilman Mills	aye

**The resolution was unanimously adopted.**

**Old Business # 1 Zaepfel-Krog Corp., Requesting an Extension for a 1995 Building Permit**

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

**RESOLVED**, that the Town Board does hereby approve of the extension of the 1995 Site Plan and Building Permit for Zaepfel-Krog Corp., as requested by the Krog Corp, for vacant land on the northeast corner of California and Big Tree Road, Zoned I-1, to construct a 34,500 square foot medical office building. This is an Unlisted Action and a Negative Declaration is recommended based on the Long EAF Parts 1 and 2. The Planning Board, 6/14/1995, recommended approval with stipulations. The Town Board, 6/21/1995 recommended approval.

- This is an Unlisted SEQRA Action and a Negative Declaration was made based on the Long EAF Parts 1 and 2.
- Parking lighting, excluding security lighting, is to be placed on a timer sequence terminate after normal office hours.
- A Landscape Completion Bond of \$12,000, or cash in the amount of \$6,000, is required.
- The 133' buffer area is to remain and is to be encroached upon only as needed to install the landscaping/drainage.

**The resolution was unanimously adopted.**

**New Business #1 Accept the Resignation of Thomas Mang from the OP Recreation Commission**

4) 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 accept, with regret, the resignation of Thomas Mang from the Town of Orchard Park Recreation Commission.

**The resolution was unanimously adopted.**

**New Business #2 Appoint Henry Heppner, Jr. to the Orchard Park Recreation Commission**

5) 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 appoint Henry Heppner, Jr., 5 Ridgewood Drive, to the Town of Orchard Park Recreation Commission, effective immediately to fill the unexpired term of Mr. Mang.

**The resolution was unanimously adopted.**

**New Business #3 Authorize the Supervisor to Sign the Agreement w/Earth Dimensions, Inc.**

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

**WHEREAS**, the 52± acres that comprise the Stanley property requires a wetland delineation to determine the amount of usable land available for stormwater management, wetland mitigation work, or recreation uses. The Town Engineer has contacted Earth Dimensions, Inc., the consultant for Brush Mountain Parkland, to complete a wetland delineation for this property in accordance with the "Corps of Engineers Wetland Delineation Manual", and

**WHEREAS**, the work will include field inspection/flagging of wetlands and the preparation of the Final Wetland Delineation Report for submittal to the Corps of Engineers and the New York State DEC in addition to some time allotment for meetings with regulatory agencies. Mapping of the wetland will be performed by the Engineering Department, or under a separate contract.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign an Agreement with Earth Dimensions, Inc., 1091 Jamison Road, Elma, NY 14059, to provide professional Wetland Delineation and Report services for the Stanley Property fronting on Bussendorfer Road in an amount not to exceed \$7,000.00 as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #4 Authorize the Supervisor to Sign the Agreement w/Stohl Environmental LLC**

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

**WHEREAS**, to complete the Jolls House Roof Replacement Project, inspection and testing for asbestos and lead based paint must be completed. The Town Engineer has reviewed and refined a scope of services and negotiated an appropriate fee structure, and proposed agreement with Stohl Environmental, LLC which will accomplish the goals of the project as set forth by the Town, and

**WHEREAS**, a building inspection for asbestos is required for pre-renovation for compliance with New York State Industrial Code Rule 56 and EPA NESHAP Regulation 40 CFR 61. A building inspection for lead based paint has also been requested. This proposal will accommodate a full accounting of asbestos containing building materials; lead painted surfaces and sheet product lead in accordance with the requirements of NYSICR 56, EPA 40 CFR 61 and OSHA 29 CFR 1926.1101. No destructive investigations will take place unless first authorized by the Town. Lead survey work is conducted utilizing a handheld Niton Spectrum Analyzer which tests painted surfaces without removal of the paint film. Roof shingle samples will be extracted without causing damage susceptible to leaks. Whenever possible, roof shingle samples will be taken from under the existing top layer shingle tabs, and

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**WHEREAS**, the survey work will include inspection of the entire accessible renovation area, formulate an inventory list of suspected materials, locations and quantities, conduct building materials sampling of suspected materials, laboratory analysis of materials samples for asbestos by ELAP and NVLAP approved laboratory, review sample results, lead base paint inspection, color code all asbestos and lead location drawings for ease of use and produce asbestos and lead inspection report in industry standard format to include at minimum the laboratory sample reports, chain of custody documents and listing of sample locations, and

**WHEREAS**, the work has been organized into six major elements each having its own lump sum fee plus additional time for meetings

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign an Agreement with Stohl Environmental, LLC, 4169 Allendale Parkway, Blasdell, NY 14219, to provide asbestos and lead based paint re-renovation inspection and testing services for the Jolls House Roof Replacement Design Project in an amount not to exceed \$1,710.00, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #5 Building Inspector Requesting Streamline Right-of-Way Permits & Increase Fee**

8) 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 the scheduling of a Public Hearing on Wednesday, August 3, 2005 at 7:00 PM to add Right-of-Way Permit Fees (for all new builds) to the Building Permit, and to raise the Permit Fee for all Right-of-Ways from \$25.00 to \$35.00, as requested by the Building Inspector, and be it further

**RESOLVED**, that the Town Clerk is hereby directed to publish due notice thereof.

**The resolution was unanimously adopted.**

**New Business #6 Public Safety Committee Recommendations**

9) 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 authorize the following items as recommended by the Public Safety Committee:

1. Send a letter to Diversified, Inc., owner of the Tops Plaza, to erect a "Fire Lane - No Standing" sign in the parking lot near the building due to vehicles parking and impeding emergency vehicles entry to the Tops building.
2. Send a letter to Mr. Barnack of the New York State Department of Transportation to review and survey the E. Webster Road and N. Buffalo Road solution for no shoulder or sidewalks for pedestrians.
3. Authorize the Highway Superintendent to erect a 35 mph speed limit sign on Reserve Road to help reduce the speed of traffic, and to send a letter to Erie County Department of Transportation stating the Town erected the sign being Reserve Road is a County road.

4. Authorize the Highway Superintendent to erect additional area speed limit signs on Ashwood Lane entering into the subdivision.

**The resolution was unanimously adopted.**

**New Business #7 Refer to the Planning Board and/or Conservation Board**

10) 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 refer to the Planning Board and/or Conservation Board the following: Quaker Crossing, LLC, requesting to rezone property owned by Falcon Properties, LLC from the current I-1 designation to a B-1 designation as an extension of the current B-1 zoning of Phase I for Quaker Crossing.

**The resolution was unanimously adopted.**

**ELECTED OFFICIALS & DEPARTMENT HEADS**

Supervisor Cudney stated that she attended the Orchard Park Soccer Club Dedication last evening and it was a wonderful ceremony. She invited everyone to go over and visit the beautiful Milestrip Road Sports Complex.

Councilman Kaczor reported on US Census growth data in the area towns. His research concluded that the Orchard Park Community has had little growth comparatively and stated that the officials in our Town Government are doing their part to keep it that way.

Councilman Mills reiterated the wonderful facility the Milestrip Road Sports Complex has become and the residents certainly deserve it. Councilman Mills thanked everyone involved with the project and for the Towns' support. Councilman Mills reported on the dilemma with the Sewer District #3 and Erie County. He stated the County Government has gotten involved and has frozen jobs that are necessary for the plant to operate. Councilman Mills will work with the Town Attorney to draft a letter to send to the County demanding action to hire the required personnel to maintain the Sewer District Plant.

Highway Superintendent Piasecki reported on the completed paving jobs and the status on other paving projects and fencing work.

**DEPARTMENT HEADS FROM THE FLOOR**

Recreation Director Ed Leak welcomed Henry Heppner, Jr. and stated that he is looking forward to working with him. Mr. Leak also wanted to thank Highway Superintendent Piasecki and the Lions Club for all the help with the renewed *Fishing Derby* at Green Lake on June 26, 2005.

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

**RESOLVED**, that the Town Board does hereby authorize the approval of all entries on Warrant #13 following auditing by members of the Town Board and in the funds indicated:

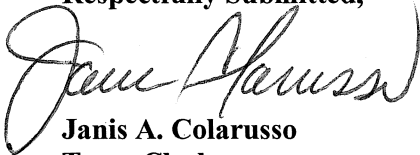
General Fund	\$161,089.23
Part Town Fund	8,002.00
Risk Retention	0.00
Cemetery Fund	0.00
Highway Fund	108,312.97
Special Districts	39,033.74
Trust & Agency	9,443.84
Capital Fund	454,016.45

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

There being no business from the floor, on motion by Councilman Jemiolo, seconded by Councilman Kaczor to wit; the meeting was adjourned at 7:30 PM (local time).

**Respectfully Submitted,**



**Janis A. Colarusso  
Town Clerk**