

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 20th 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
	Nancy W. Ackerman	Councilwoman
	Stanley A. Jemiolo, Jr.	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
	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 MILLS, TO WIT:

RESOLVED, that the minutes of the Town Board Meetings held on June 15, 2005 & July 6, 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.

Old Business #1 Building Inspector Requesting Town Board Authorize Mowing at 61 Velore Ave.

2) 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 Building Inspector to contract a company to mow the property located at 61 Velore Avenue in the Town of Orchard Park, which has been neglected by the owner for the last three years, and be it further

RESOLVED, that the Town Board does hereby authorize the cost of the property clean-up be applied to the tax rolls for 2006.

The resolution was unanimously adopted.

Old Business #2 David Smith, 15 Errington Terrace Requesting Special Exception Use

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

RESOLVED, that the Town Board is hereby authorized to schedule a Public Hearing for Wednesday, August 17, 2005 at 7:00 PM for David Smith, 15 Errington Terrace, who is requesting a Special Exception Use for a Home Occupation to operate a small gun sales business out of the residence, and be it further

RESOLVED, that the Town Board does hereby authorize the Town Clerk to publish due notice thereof.

The resolution was unanimously adopted.

Old Business #3 West-Herr Chevrolet Requesting a Building Permit to Construct an Addition

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 approve a Building Permit for West-Herr Chevrolet, 3565 Southwestern Boulevard, to construct a 3,922 square foot addition to an existing building. The Planning Board, 7/13/05, recommends approval of this request and of the site plan with the following stipulations:

- This is a Type II SEQR Action and therefore no determination of significance is required.
- The site lighting is limited to those fixtures and poles indicated on the approved site plan, and light fixtures shall have flat lens.
- On 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.
- Engineering approval was granted on 7/13/05.
- There are to be no new light fixtures as the existing light fixtures will be relocated.

The resolution was unanimously adopted.

New Business #1 Authorize the Advertisement of Bids – South Lane Project for Concrete Gutters

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

WHEREAS, the Orchard Park Engineering Department has prepared design plans, the necessary right-of-way acquisition descriptions, maps, and is coordinating utility relocations for South Lane Reconstruction, and

WHEREAS, the new road section will have a closed drainage system and standard concrete gutters along each side of the pavement, and

WHEREAS, the Highway Department does not have the capability of installing the amount of concrete gutters required for this project in the necessary time frame, and

WHEREAS, the cost is estimated at \$100,000.00, the gutter work must be completed through the formal bidding process

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the advertisement of bids in the Southtowns Citizen and the Buffalo News, for sealed bids to be opened at 11:00 A.M. on August 12, 2005 in the Supervisor's Conference Room at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park New York.

The resolution was unanimously adopted.

New Business #2 Authorize the Supervisor to Sign an Agreement for Concession Stand

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

WHEREAS, the Orchard Park Little League is willing to construct a concession stand at the Duerr Road Little League Facility which is owned by the Town of Orchard Park, and

WHEREAS, in order to complete that facility, it is necessary to retain an architect to design the facility,

NOW, THEREFORE, be it

RESOLVED, that Fontanese, Folts, Aubrecht, Ernst, Bammel Architects is hereby retained by the Town of Orchard Park for a sum not to exceed \$18,000.00 to complete the design for the Duerr Road Little League Concession Stand.

Councilman Jemiolo stated that the Little League Association will be building this Facility, and has solicited over \$110,000 in donated materials and time towards this project.

The resolution was unanimously adopted.

New Business #3: Supervisor Cudney stated that the following item would be tabled: Approve Final Change Order Release of Retention to the Contract w/Kandey Co.

New Business #4 Authorize the Highway Superintendent to Post "No Parking" Signs

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

WHEREAS, upon recommendation of the Traffic Safety Committee and pursuant to the authority granted by Section 1660 of the Vehicle and Traffic Law of the State of New York,

NOW, THEREFORE, it is hereby

ORDERED, that "No Parking Signs" be posted on the east side of Cherokee Drive, as per New York State's No Parking Restrictions on Southwestern Boulevard, and it is further

ORDERED, that the Orchard Park Highway Superintendent is hereby directed to post the proper and necessary signs indicating the parking restriction as set forth above.

The resolution was unanimously adopted.

New Business #5 Authorize the Supervisor to Sign the Renewal Contract w/NEI

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

WHEREAS, the NEI Waste Services contract for collection of solid waste in the Town of Orchard Park will expire on December 31, 2005, and

WHEREAS, the Town of Orchard Park is entitled, pursuant to the terms of the contract, to renew the contract for a one year period commencing January 1, 2006

NOW, THEREFORE, be it

RESOLVED, that the Town of Orchard Park does hereby exercises its option to renew the contract with NEI Waste Services, 3675 Jeffrey Boulevard, Blasdell New York 14219, for solid waste collection for a one year period commencing January 1, 2006, and be it further

RESOLVED, that the Town Clerk is directed to forward a certified copy of this resolution to NEI Waste Services.

Councilwoman Ackerman stated that if the Town Board does elect to renew the contract with NEI Waste Services in the future, it needs to be exercised by July 31st of the year it expires, for up to five more years.

The resolution was unanimously adopted.

New Business #6 Appointment to the 2005 "Seasonal" Staff for the Recreation Department

9) 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 approve the following appointment to the Recreation Department Spring/Summer 2005 Seasonal Staff, pending submission of the required certifications, as recommended by the Recreation Director:

Name	Address	Position
Angela Grenzy	360 Bernhardt Dr, Snyder NY 14226	Program Supervisor

The resolution was unanimously adopted.

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

10) 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 refer to the Planning Board and/or Conservation Board the following: Ronald Flintjer, 3752 N. Buffalo Road, request for a "Change-In-Use" from Residential to Law/Professional office.

The resolution was unanimously adopted.

ELECTED OFFICIALS & DEPARTMENT HEADS

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

RESOLVED, that the Town Board does hereby authorize the following budget transfer, as requested by the Building Inspector:

\$1,000.00 From: B.3620.0476 Contracted Fire Inspection
To: B.3620.0445 Vehicle Repair & Maintenance

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby authorize the following budget transfer, as requested by the Supervisor:

\$2,650.00 From: B.1910.0480 Contingent Fund
To: B.3620.0444 Computer lease/Copier lease

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby refer the request of residents of Ashwood Lane for a three way stop sign at Ashwood Lane and Arrowwood Lane to the Public Safety Committee.

The resolution was unanimously adopted.

Supervisor Cudney stated that on the night of the Ice Cream Social, Friday, July 29th at 6:30 PM, across the street there is going to be a dedication of the McFarland Green Walkway. Everyone is welcome to attend.

Councilwoman Ackerman stated that she has received complaints about the signage that appears every weekend regarding a store in Hamburg that is "going out of business". The Building Inspector has agreed to check into this and see if there is a way to stop this practice.

Councilman Kaczor announced that starting on Thursday, July 21st through July 31st, there are many events scheduled for the "Quaker Days" and he hopes that people will take advantage of them. He also stated that at the Ice Cream Social, on July 29th, the Recreation Department is going to be sponsoring all the fun and games events. The Recreation Department is also sponsoring the Battle of the Bands, and "Movie Night" at the Pavilion.

Chief of Police Samuel McCune announced an Open House at the Police Department from 10:00 AM - 2:00 PM, this Friday July 22nd, where parents may also get DARE Identifications cards for their children, and take them on a tour of the department. He also announced that North Buffalo Street, from 20A to New Taylor Road, will be closed on Thursday, July 21st, from 6:00 PM - 11:00 PM for the "Taste of Orchard Park" and "Caribbean Night".

Highway Superintendent Fred Piasecki reported that the Highway Department has finished resurfacing Murphy Road, Quaker Lake Terrace, Maple Drive and Hart Place. He also stated they have started work on the entrance way to Independence Drive. He mentioned the South Lane project is 70% complete in the drainage phase and when that is completed they will move on to the road reconstruction. The Parks and Grounds built a 3rd Bocce Ball Court, in time for the Senior Games, and a blacktop walkway was put in at the Little League Field. He also stated that a final audit of the Compost Facility was conducted July 13th by New York State DEC, which will trigger the release of the final grant monies for the facility. In a letter from the NYS Engineer, it was stated that the Orchard Park Compost Site is one of the best looking and best run facilities in the State.

Town Engineer Wayne Bieler announced the retirement of John Wilson, who has been with the Engineering Department for over 35 years. Mr. Bieler stated that Mr. Wilson has been an invaluable employee as a construction inspector with his tremendous knowledge about the Town of Orchard Park and its infrastructure. This will be a great loss for the department and he will be greatly missed.

14) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN ACKERMAN, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR CUDNEY, TO WIT:

WHEREAS, with the retirement of John Wilson on July 26, 2005, and the Engineering Department will not have staff available to continue construction inspection on PIP 2005-03, Birdsong Subdivision Part 3A, Phases 3 and 4A, therefore assistance of a consultant engineering firm will be required for that purpose, and

WHEREAS, the Town is in receipt of a proposal from Wm Schutt & Associates to provide the services of Mr. Elmer Thoman for onsite inspection, when required, at a billing rate of \$47.00 per hour which includes expenses, overhead and profit, and

WHEREAS, the Town has received \$30,760.00 in PIP inspection fees from the developer which should be adequate to cover the costs of the consultant

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with Wm. Schutt & Associates, P.C., 37 Central Avenue, Lancaster, New York 14086 to provide inspection services on PIP 2005-03 for the construction of the Birdsong Subdivision Part A, Phases 3 and 4A, as recommended by the Town Engineer.

The resolution was unanimously adopted.

DEPARTMENT HEADS FROM THE FLOOR

No one gave a report this evening.

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

RESOLVED, that the Town Board does hereby authorize the approval of all entries on Warrant #14 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$89,602.90
Part Town Fund	\$3,117.07
Risk Retention	\$32.00
Cemetery Fund	\$0.00
Highway Fund	\$119,931.42
Special Districts	\$106,593.26
Trust & Agency	\$4,415.25
Capital Fund	\$56,062.72

The resolution was unanimously adopted.

Receive & File Communications

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

RESOLVED, that the Town Board does hereby receive and file the following communication: New York State Department of Transportation: Letter regarding parking restrictions on Route 20 (Southwestern Blvd.)

The resolution was unanimously adopted.

Receive & File Reports

17) 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 reports: Building Inspector's Monthly Report & Building Permits for June 2005, and the Police Chief's Monthly Report for June 2005.

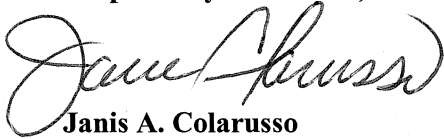
The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Kurt Kelly – 6 Chase Road: Mr. Kelly is the President of the Orchard Park Little League and he wished to thank everyone in Town Government who has assisted in putting the Concession Stand Project together. He wanted to compliment everyone for being so cooperative with the Little League, and feels that this is a true partnership of the Town, the Little League Association and all the contributors and donors who have provided for the Little League and have given them the opportunity to do this project.

There being no more business from the floor, on motion by Supervisor Cudney, seconded by Councilman Jemiolo to wit; the meeting was adjourned at 7:36 PM (local time). The meeting was adjourned with a Thank You and Congratulations to John Wilson on his retirement.

Respectfully Submitted,



**Janis A. Colarusso
Town Clerk**