

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 2nd day of August 2006 at 7:00 P.M., (local time). The meeting was called to order by the Supervisor and there were:

PRESENT AT ROLL CALL:	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.”*

Minutes – Tabled: June 21, 2006, July 5, 2006 and the Special Meeting/Executive Session held on July 5, 2006, July 12, 2006, July 19, 2006 and July 26, 2006.

PUBLIC HEARING

At 7:00 P.M. (local time), the advertised time, the Supervisor called for the Public Hearing to hear all public comments on the Draft Town of Orchard Park Comprehensive Plan, in accordance with Town Law Sub-Section 272-a.

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. The affidavit is entered into and attached to these minutes.

At this time Supervisor Travers Murphy handed over the Public Hearing to Councilwoman Ackerman.

Councilwoman Ackerman stated the Public Hearing being held this evening by the Town Board will remain open until September 6, 2006. At that time, another public hearing will take place to finish taking all comments on the Proposed Draft Town of Orchard Park Comprehensive Plan. She stated anyone interested in giving their comments may come up this evening when asked or anyone has the opportunity to send a letter to the Town Board within the next four weeks. If at the September 6th meeting the Town Board felt the Public Hearing needed to continue into October, they would move to keep the Public Hearing open.

Councilwoman Ackerman stated that this process began with the commission of Wendel Duescherer’s land use study in the year 2000. They were over ten public meetings held to obtain public input and also held additional meetings with various groups in the Town. There was also a written survey conducted at *Quaker Days* with 94 participants in 2002. Councilwoman Ackerman stated that there has been a great deal of public comment and it was taken fully into consideration when the land use up date and Comprehensive Plan update was written. The Comprehensive Plan update incorporates recommendations

and the issues that were raised in the land use plan, including government services. Now, the direction is to further focus the information and to take input from the public for consideration, inclusion, or changes to the Comprehensive Plan.

Councilwoman Ackerman stated she received correspondence, which she gave to the Town Clerk:

Gordon A. Farquhar, 6100 Newton Road: Mr. Farquhar wrote about public water service.

Councilwoman Ackerman asked if there was anyone in the audience that would like to speak:

Anne Marie McManus – 4 Hearthstone Terrace: Ms. McManus expressed her disappointment with the Proposed Draft Comprehensive Plan. She brought up four points of concerns that she feels should be included in the undertaking of the master plan. She stated the Town should institute a moratorium on development, including all projects that are sketched out to the Year 2010. She feels this would give the Town the opportunity to turn the land use study/draft plan into the Master Plan. Her second thought was to put the Master Plan process into the hands of capable, technical and legal minds who actually want to see physical output from the process. Her third thought was to turn the recommendations of the Land Use Study into action steps by assign priorities, responsibilities and a time lines, and then hold public hearings when there is an actual plan. Her last thought was to schedule meetings and/or public hearings when it is more convenient to the residents or developers.

Kevin Lane – 8 Briar Hill: Mr. Lane stated the development of a Comprehensive Plan is a tremendous undertaking. He feels everyone needs to work together for no one of us is as smart as all of us. He stated he knows that all of us want the best for Orchard Park, and he would bet that everyone would agree with how the Town of Orchard Park should grow. He believes there is not enough time in a day for the members of our Town Board to work alone to develop a Comprehensive Plan, and it is for that reason that Supervisor Travers Murphy has developed the Advisory Group to develop and to submit to Ms. Murphy for submission to the entire Town Board an expanded Comprehensive Plan for its due deliberation. He requested the Town Board Members all join in and come together to encourage the community to work along with this Advisory Group. He also believes all existing committees and agencies of the Town should also provide input, in written form, in this process. He feels that there are so many people with so much knowledge in this Town he believes everyone should work together.

Richard Leonard – 33 Burbank Drive: Mr. Leonard stated he has reviewed the Land Use Study and the Proposed Draft Town of Orchard Park Comprehensive Plan. He commended Councilwoman Ackerman for getting the job done and he thanked the Supervisor Travers Murphy for lighting the fire. He stated the proposed document does embrace and present a vision for future and orderly growth in the Town. He stated there is a basis in this document for a good Comprehensive Plan but unfortunately it seems to be hastily put together. He believes the 2002 report is a good model, they should follow that plan. He stated there are many sections of the draft plan that he is concerned with, especially they way they are worded. His final comments where that he believes that all the recommendations the Town Board are receiving need to be reviewed.

Nancy Conley – 25 Hodson & Executive Director for the OP Chamber of Commerce: Mrs. Conley stated she did not have an opportunity to thoroughly review the draft plan so she can not comment on its content at this time. She does believe that Orchard Park comprehensive plan should accomplish three things. She stated it should reflect the community's image of what a perfect Orchard Park would look like in the future. It should chart a roadmap that would lead to that perfect image, and it should be flexible, because no one can accurately predict the community's need in the decades to come. She stated while Orchard Park is primarily a residential community, it also sustains a vibrant business community which must play a role in developing the Town's Comprehensive Plan. Her last comment to the Town Board

were, the Chamber of Commerce has 615 members, which has established a Task Force composed of members of the business community to review the Proposed Comprehensive Plan and comment on their findings and not rush the approval process, but rather allow the business community an opportunity to work with you in developing a Plan that will be truly comprehensive. She told the Town Board the Chamber Task Force will be meeting on August 11th and will forward their comments to the Town Board.

Sherri Downing – 34 Symphony Circle: She stated to the Town Board that she has lived in Orchard Park for about ten years and she also was a member of the Supervisor's Advisory Group. She stated she has a passion for Orchard Park and a well planed community that involves the beautiful parks, rolling hills, village charm, farmland, excellent schools, an active business climate and a close nit community of residents. She stated it is evident that growth in the Town will continue to occur in volume more than we all can predict because of the land that is left. Many communities in Erie County do not have that, they are done and the land is gone. She believes it will only get more difficult for all of us if we are not together in the way we want Orchard Park to look in the future. She believes the two plans presented are only the steps to a plan of action with a time line and responsibility that need to be developed immediately to prevent what appears to be the current inevitable possibly out of control growth and to much destruction of the green space in Town. She stated to obtain community caricature the following issues should be addressed. First, impose design standards to commercial development to maintain a consistent flavor for the Town and Village. Second, protect open space in green ways and wooded areas. Third, improve regulations for buffers between differing uses in neighborhoods. And, fourth, promote creative free use of existing structures.

John Orłowski – 96 Graystone: He is a member of the Supervisor's Advisory Group and gave his educational background He reviewed the draft Plan based on his individual interest in Open Space as an amateur arborist and offered the following observations: 1) Plan does not effectively address tree conservation and the methods or tools to achieve conservation; including sustainable harvests. 2) Plan does not effectively address urban forestry issues and plan for tree plantings, selection and care. 3) Plan identifies a "need" and sets a "goal" for open space preservation, but does not appear to adopt by reference and attach the 1996 Open Space Master Plan or effectively provide guidance on how to achieve the goal. 4) Overall, the Plan needs to more effectively identify the goals and provide guidance on how to achieve the goals for it to have maximum effectiveness. Mr. Orłowski offered his assistance and time to help create a Comprehensive Plan that would be a model to others in Western New York and our legacy to future residents of Orchard Park.

Mark Romanowski – 6650 Gartman Road: He is as member of the Supervisor's Advisory Group and offered his services to the Town Board to assist on the Comprehensive Plan.

Church Albrecht – 4869 Bussendorfer Road: He reviewed the draft Plan and gave some history of the drainage studies and problems in his neighborhood. He recommended that the Plan would include drainage remediation in the Bussendorfer Road area.

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

RESOLVED, that the Public Hearing in the matter of the Proposed Draft Town of Orchard Park Comprehensive Plan is hereby closed at 8:47 PM (local time), and will remain open until the Town Board Meeting in September 6, 2006.

The resolution was unanimously adopted.

Old Business #1 Award the Contract for the Installation of Concrete Gutter's Project

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

WHEREAS, sealed bids for the installation of approximately 3,000 lineal feet of concrete gutter, concrete driveway aprons, and drainage receiver flares on Neiman Drive and North Lane were opened on August 1, 2006, at 11:00 AM, (local time) in the Supervisor's office, in the Orchard Park Municipal Center, 4295 South Buffalo Street, in the Town of Orchard Park, and

WHEREAS, the project was bid on a unit price basis for the associated concrete work items. The Engineering Department has reviewed those itemized prices of the four contractors who submitted bids. The lowest bid of \$41,025, was below the engineer's estimate of \$45,425.00 for the project, and

WHEREAS, the low bidder for the project was E.J. Militello, a company who has been in business since 1996 and has successfully completed various concrete projects in the past. This Company has been found to have the qualifications and experience to perform this work adequately. The Town Engineer has no reservation about their capabilities.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby award the contract for the Neiman Drive and North Lane Reconstruction Project – Installation of Concrete Gutter to the lowest responsible bidder, E.J. Militello, 8957 Stonebriar Drive, Clarence NY 14032, in an amount not to exceed \$41,025, as recommended by the and Town Attorney.

The resolution was unanimously adopted.

Old Business #2 Approve Renewal of Excavation Permit #2003-02 for the WS Rotary Foundation

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

WHEREAS, the Town Engineer has received a request from the West Seneca Rotary Foundation to extend the existing Excavation Permit #2003-02 for excavation/placement of fill, approximately 160 acres for the Rotary Golf Course construction on Transit Road, Orchard Park NY 14127, and

WHEREAS, the Town Engineer has the necessary updated Surety Grading Bond and Certificate of Insurance and have found them to be acceptable. All applicable fees were waived for the original Excavation Permit application.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the Extension to the Excavation Permit #2003-02 involving the excavation/placement of fill at the West Seneca Rotary Golf Course for an additional year, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #1 Building Inspector Requesting to Hire a Lawn Care Service for 61 Velore Avenue

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

RESOLVED, that the Town Board does hereby authorize the Building Inspector to hire a lawn care service for the property at 61 Velore Avenue, in the Town of Orchard Park, with the cost to be applied to the tax roll of the property.

The resolution was unanimously adopted.

New Business #2 Authorize the Release of Escrow for the Barrington Heights Subdivision

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

WHEREAS, on February 16, 2005, the Town Board accepted dedication of the public improvements constructed in the Barrington Heights Subdivision, Part 1, Phase 3, PIP #2004-05, with the stipulations that funds paid by the contractor be held in escrow until repairs to concrete gutters were completed, and

WHEREAS, the contractor has since completed the required concrete gutter repairs on Graystone Lane and the work was 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 Anastasi Trucking & Paving Company, 4430 Walden Avenue, Lancaster NY 14086, the \$1,500 held in escrow for concrete gutter repairs in the Barrington Heights Subdivision, Part 1, Phase 3, PIP 2004-05, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #3 Refer to the Planning Board and/or Conservation Board

7) 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 to refer the following items to the Planning Board: Richard & Mary Kabza, 5605 Armor Duells Road, Zoned R-2, requesting a thirty year application for a Conservation Easement for eight acres of wooded land.

The resolution was unanimously adopted.

New Business #4 Refer to the Public Safety Committee

8) 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 to refer to the Public Safety Committee the request of Scott Honer, 18 Timothy Drive, Orchard Park, to lower the speed limit and place "Children at Play" signs for the Park Manor and Timothy Drive area.

The resolution was unanimously adopted.

ELECTED OFFICIALS AND DEPARTMENT HEADS

Councilman Kaczor announced the Recreation Department *Outdoor Movie Night* at the Pavilion, on Friday, August 11th at 8:30 P.M. with games for the children starting at 7:30 P.M. Sponsors of the event are Cappelli's Pizzeria, Subway, McCarthy Ford and Pepsi. Councilman Kaczor extended his appreciation on behalf of the Town to the Highway Department crew that laid asphalt in Eagle Heights in the extremely hot weather.

Police Chief McCune reported on the success of the Police Open House on Friday, July 28, 2006. Sponsors of the event were Arthur's Hardware, J. Mills Distributing and Target Store. There were hot dogs, identifications for the children and donations for D.A.R.E. Police Chief McCune thanked the community for their support.

Highway Superintendent Piasecki gave a report on the C.H.I.P.S. project on Angle Road and the Capital project on Nieman Drive and North Lane.

Town Engineer Bieler reported on the progress of the Milestrip Road Pavilion and Concession building.

9) 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 #15 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$88,422.09
Part Town Fund	1,511.74
Risk Retention	0.00
Cemetery Fund	0.00
Highway Fund	25,589.73
Special Districts	15,3128.91
Trust & Agency	70,386.16
Capital Fund	36,412.55

The resolution was unanimously adopted.

Receive and File Communication

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 authorize to receive and file the Communication as entered on the agenda: Citizens Environmental Coalition (CEC) will be conducting their annual membership drive now through August 19, 2006.

The resolution was unanimously adopted.

Receive and File Report

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

RESOLVED, that the Town Board does hereby authorize to receive and file the Highway Superintendent's Infrastructure Report of paving of Town roads.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Jim Suplicki, 5560 Big Tree Road: He reiterated his water pressure problems. Town Engineer Bieler stated he would follow up on this from a pressure standpoint.

Nicholas Taneff, 279 Summit Avenue: He is concerned with code enforcement. He pointed out neighboring Towns and their problems of neglected properties. He would like to have properties free of weeds and overgrowth.

Richard Leonard, 33 Burbank Drive: He asked about the deep ditches at the site of Fox Run on California Road and if they would be piped and covered for safety. Town Engineer Bieler stated that it is a private site and are permitted to leave them and are encouraged by the DEC to leave them as is. He thanked the Town Board for the acquisition of additional acreage at Brush Mountain Park.

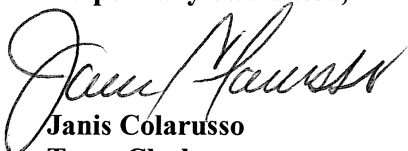
Ron Stadelmaier, 73 Eaglebrook Drive: He thanked the Highway Superintendent Piasecki and the Highway Department for the wonderful paving job on Eaglebrook Drive. He asked if the Proposed Comprehensive Plan could be posted on the website. Councilman Kaczor stated that it should be very soon. He also thanked Building Inspector Geist and Supervisor Travers Murphy for their response to the problem of ABC Rental.

Judy Chaplin, 4290 California Road: She has a problem with flooding in her basement. Town Engineer Bieler explained that there are four houses, including Ms. Chaplin's, that have a private system which has an obstruction in the line. From the Town's standpoint, this is the responsibility of these homeowners. Erie County offered to install piping at the road that these homes could tie into for a fee. Supervisor Travers Murphy stated she would talk to Legislator Mills about this ongoing problem.

Sherd Bartelbaugh, 4282 California Road: He stated his house is one of the four homes involved with the drainage issue.

There being no further business from the floor, on motion by Councilman Jemiolo, and seconded by Councilman Dietrick, to wit; the meeting was adjourned at 8:24 PM (local time).

Respectfully Submitted,


Janis Colarusso
Town Clerk

