

176

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 17<sup>th</sup> day of August 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."

#### PUBLIC HEARING

At 7:00 PM, the advertised time, the Supervisor called for the Public Hearing to hear all interested persons for or against an Amendment to the Zoning Ordinance of the Town of Orchard Park for a Special Exception Use in a R-2 Zone, to operate a small gun sale business out of the residence at 15 Errington Terrace, as petitioned by David Smith.

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 Supervisor Cudney opened the Public Hearing to hear all interested persons for or against the Proposed Special Exception Use.

**Supervisor Cudney stated that she received communications in the mail from the following individuals who oppose the request regarding Special Exception Use in a R-2 Zone, to operate a small gun sale:**

**Josephine Gore**, 74 Errington Terrace  
**John Doyle & Kathleen Zilbauer**, 22 Errington Terrace  
**Sharon M. Stiffler**, 51 Errington Terrace  
**John & Beth MacCarrick**, 50 Errington Terrace  
**JoAnn Litwin**, 38 Rainbow Terrace  
**Vernon E. Harsch**, 67 Errington Terrace  
**Albert & Joan Ackler**, 71 Errington Terrace

Supervisor Cudney stated she received a communication from a representative of the petitioner stating that David Smith would prefer that the Town Board not take action on this request at this time, as he is looking at other options.

**The following people spoke in opposition:**

**Roberta Grundtisch**, 5939 Webster Road  
**John Doyle**, 22 Errington Terrace  
**Lou Bracci**, 6039 Quaker Hollow Road  
**Margaret Mayer**, 30 Carriage Drive  
**Julie Copella**, 5 Errington Terrace  
**Hope Keilman**, 47 Errington Terrace  
**Linda Carrol**, 75 Carriage Drive  
**Paul Grantits**, 58 Butternut Circle  
**Joe Kilmer**, 39 Errington Terrace  
**John R. MacCarrick**, 50 Errington Terrace

**Robin Crowley**, 22 Brentwood Common  
**Mark Cudney**, 5951 Webster Road  
**Elizabeth Kieffer**, 6051 Quaker Hollow Road  
**Lynnmarie Phillips**, 62 Errington Terrace  
**Jodi Held**, 49 Ponderosa Court  
**Jim Stiffler**, 51 Errington Terrace  
**Jeff Phillips**, 62 Errington Terrace  
**Henry Dinder**, 5532 Big Tree Road  
**Tim Keilman**, 47 Errington Terrace

**Reasons for the opponents are as follows:**

- This is a residential neighborhood, not a business area, using common sense, it is not right to put a gun shop, with assault weapons and hand guns, in a residential area. It should be put in a business zone.
- With the weapons stored in this house, there is a tremendous safety risk and the neighbors should not be forced to live with that.
- There are many children in this neighborhood and there is concern for these children, many of them play right next to the house in question.
- Neighbors are just frightened of the consequences that a gun store in their neighborhood could bring.
- There is a greater risk for robbery. Many robberies are done just to obtain guns.
- What kind of people will be coming into the neighborhood to purchase the guns.
- Gun shops in homes are the hardest to keep track of by the Government.

**The following people spoke in favor:**

**Jerry Adner**, 425 Woodland Drive  
**Jack Rybicki**, 7 Boldt Court

**David Zell**, 27 Saybrook Street

**Reasons for the proponents are as follows:**

- Small gun shop owners usually run small businesses and sell exclusively to hunters, target shooters and law enforcement personnel.
- A gun itself is not a danger, but there could be a dangerous person with a gun.
- Assault weapons can be anything such as a golf club or a baseball bat.
- There is a great amount of ignorance and fear regarding something that is not understood.
- Federal Firearms License is hard to get.
- There is nothing wrong with a gun shop, it is usually operated as a service.

1) 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 application for a Special Exception Use in a R-2 Zone, to operate a small gun sale business out of the residence at 15 Errington Terrace, as petitioned by David Smith, is hereby closed at 7:53 PM (local time).

Councilman Jemiolo stated the Town Board will not be voting on this application this evening, but they will have it on the agenda for the next board meeting on September 7<sup>th</sup>, 2005.

**The resolution was unanimously adopted.**

**Old Business #1 Award Contract for South Lane Project – Installation of Concrete Gutters**

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

**WHEREAS**, sealed bids for the “South Lane Reconstruction Project - Installation of Concrete Gutters” were opened on August 12, 2005 at 10:00 A.M. in the Supervisor’s Conference Room, and

**WHEREAS**, the low bidder for this project was Sicilia Construction Company, and this company has the qualifications and experience to perform this work adequately

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby award the contract for the “South Lane Reconstruction Project – Installation of Concrete Gutters” to the lowest responsible bidder; Sicilia Construction Company, 5634 William Street, Lancaster, New York, in the amount of \$77,135.00, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**Old Business #2 Change in Use for 3752 North Buffalo Road**

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

**RESOLVED**, that the Town Board does hereby approve the request of Ronald Flintjer & James Joyce, 3752 North Buffalo Road, for a Change in Use from residence to office space, as recommended by the Planning Board, 8/10/05, with the following stipulations:

- A landscape bond of \$859.00 is required, or a certified check for \$429.50
- This is a Type II SEQR action, therefore no determination of significance is required.
- There will be no additional lighting on the site.
- There will be no dumpsters.

**The resolution was unanimously adopted.**

**Old Business #3 Quaker Crossing South, Town Board Declares Itself Lead Agency**

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

**WHEREAS**, Quaker Crossing LLC has petitioned to rezone, from I-1 to B-1, vacant land on the south side of Milestrip Road, across from the existing Quaker Crossing Plaza, and

**WHEREAS**, on 8/10/05 the Planning Board recommended that the Town Board seek Lead Agency Status in the SEQR review process for the requested rezoning

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby declare itself as Lead Agent in the SEQR review process for the 19.15 acres of vacant land on the south side of Milestrip Road, Quaker Crossing South, Rezoning.

**The resolution was unanimously adopted.**

**New Business #1 Create Civil Service Title, Senior Tax Map Technician**

5) 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 creation of Civil Service Title Senior Tax Map Technician for the Town of Orchard Park, and be it further

**RESOLVED**, that the Town Board does hereby appoint David Benes to the position, on the White Collar 2005 Union Wage Scale: Range 0011, Step C, 22.01/hr., provisional pending approval of the appointment by Civil Service, effective August 15, 2005.

**The resolution was unanimously adopted.**

**New Business #2 Create Civil Service Title, Recreation Director Assistant**

6) 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 creation of Civil Service Title, Recreation Director Assistant for the Town of Orchard Park, and be it further

**RESOLVED**, that the Town Board does hereby appoint Theresa Gang to the position, on the White Collar 2005 Union Wage Scale: Range 0006, Step B, 15.89/hr., provisional pending approval of the appointment by Civil Service effective, August 15, 2005.

**The resolution was unanimously adopted.**

**New Business #3 Authorize the Advertisement for Bids for Allen Street Reconstruction Project**

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

**WHEREAS**, the Orchard Park Engineering Department is in the final stages of preparing design plans and specifications for Allen Street Reconstruction Project, in which the new road section will have a closed drainage system and standard concrete country gutters along each side of the pavement, and

**WHEREAS**, the Highway Department does not have the capability of completing this project in the necessary time from, or the available manpower to reconstruct the road, as originally proposed and due to the cost estimate of \$140,000.00, and the Community Block Grant funds, 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 for Allen Street Reconstruction Project at 11:00 A.M. on September 1, 2005 in the Supervisor's Conference Room at the Orchard Park Municipal Center, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #4 Authorize Advertisement of Bids for the Jolls House Building Renovations Project**

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

**WHEREAS**, the Consultant Architect for the Johnson-Jolls Building Exterior Renovations Project, Habiterra Architects, is finalizing the plans and specifications for this project, and the preliminary architect estimate is \$100,000.00, which is within the amount allocated for this project which consists of the design plans and specifications, roof replacement, windows and storm door installations and insulation as well as some wood trim work and painting, and

**WHEREAS**, in order to stay on the project schedule, the advertisement for bids should be published on August 18, 2005, the plans will be available on August 25, 2004 and bid opening on September 15, 2005

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby accept the plans and specifications for the proposed Johnson-Jolls Building Exterior Renovations as prepared by Habiterra Architects and Landscape Architects P.C, and be it further

**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 for the Johnson-Jolls Building Exterior Renovations Project at 11:00 A.M. on September 15, 2005 in the Supervisor's Conference Room at the Orchard Park Municipal Center, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #5 Authorize Advertisement of Bids for the Milestrip Road Recreation Complex**

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

**WHEREAS**, the Consultant Architect for the Milestrip Road Recreation Complex Pavilion Building Project, Fontanese-Folts-Aubrecht-Ernst-Bammel Architects, is finalizing the plans and specifications for the Project which consists of the design, plan and specifications for an approximate 6,100 square foot new pavilion/concession building with connecting utilities, pavers and kitchen equipment alternate, and

**WHEREAS**, the Architect estimate is \$340,000.00, which means additional funding will be needed for Capital Project Milestrip Road Recreation Area H-39, and

**WHEREAS**, in order to stay on the project schedule the Advertisement for Bids should be published on August 18, 2005, with plans available on August 30<sup>th</sup>, and the bid opening on September 15, 2005

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby accept the plans and specifications for the proposed Milestrip Road Recreation Building, as prepared by Fontanese-Folts-Aubrecht-Ernst-Bammel Architects, and be it further

**RESOLVED**, that the Town Board does hereby authorize advertisements in the Southtowns Citizen, and The Buffalo News for sealed bids to be opened for the Milestrip Road Recreation Complex project at 10:00 A.M. on September 15, 2005 in the Supervisor's Conference Room at the Orchard Park Municipal Center, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business # 6 Approve change in PIP 2005-01 Chestnut Ridge Village Subdivision**

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

**WHEREAS**, the Town has received from Alan Nigro, Chestnut Ridge Village LLC, 4678 Big Tree Road, Hamburg NY 14075, an application for Public Improvement Permit to construct Chestnut Ridge Village Subdivision Part 7 Phase 1 with PIP #2005-01 which only included Part 6, and

**WHEREAS**, the additional work consists of the installation of 600 linear feet of new roadway and public utilities to serve 10 residential sublots, and Part 7, Phase 1, would be constructed and dedicated with the original public improvement permit, and

**WHEREAS**, the plans and specifications for the proposed project were reviewed by the Engineering Department, they are in compliance with current Town Specifications, and the Town is in receipt of all necessary additional fees, bonds, and insurances

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby approve the amending of Public Improvement Permit 2005-01 for Chestnut Ridge Village Subdivision Part 6 to also include Part 7, Phase 1, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business # 7 Authorize NYSEG to Connect Twenty-one Decorative Light Fixtures**

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

**WHEREAS**, the Town has received a proposal from New York State Electric & Gas Corporation for the activation of decorative street light fixtures on Birdsong Parkway, Mallard Lane, Mourning Dove Court and Sandpiper Court in the Birdsong Subdivision Part A, Phase 1 & 2, and

**WHEREAS**, the 70-watt H.P.S. luminaries were installed under PIP #2004-04 and PIP # 2004-07 by the developer, along with the aluminum poles, wire and conduits. The proposal calls for the activation of twenty-one (21) luminaries at an annual cost of \$24.19/ea. This price does not include the cost of electric that will be based on the Town's elected service option of EOP (competitive supplier price), and

**WHEREAS**, there are presently 8 houses occupied, and 13 under construction in these phases of the subdivision, and the curvature in the roads which justifies the installation at this time,

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize N YSEG to activate twenty-one (21) 70-watt high-pressure sodium decorative light fixtures on Birdsong Parkway, Mallard Lane, Mourning Dove Court and Sandpiper Court at a cost of an annual increase of \$507.99 to the consolidated Light District in accordance with their proposal dated August 8, 2005, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business # 8 Authorize Bids to Clean-Up for Property Located at 52 Bielak Road**

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

**WHEREAS**, the Building Department has been trying to get the property at 52 Bielak Road cleaned up since November of 2004, as there is debris which consists of over 100 lawnmowers, 60 + tires and automotive parts, and

**WHEREAS**, this case has gone to court due to the lack of compliance, and the owner, Mr. Rusinski, is due to appear on August 30, 2005, with the intention that the property be cleaned up by then, but it does not appear that this will occur

**NOW THEREFORE, be it**

**RESOVED** that the Town Board does hereby authorize the Building Inspector to accept bids for cleanup of property located at 52 Bielak Road, with the cost to be applied to the tax rolls, as recommended by the Building Inspector.

**The resolution was unanimously adopted.**

**New Business # 9 Request for a Conservation Easement - 6031 Bunting Road**

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 schedule a Public Hearing at 7:00 PM, on Wednesday, September 21, 2005, in the matter of a request by Paul & Maureen Montgomery, 6031 Bunting Drive for a Conservation Easement, and be it further

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

**The resolution was unanimously adopted.**

**New Business # 10 Payment of Tax Bill**

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

**WHEREAS**, Mrs. Albert Agostini, upon inquiry, discovered that the tax bill for vacant property on Angle Road, SBL 153.12-1-2.12 which is owned by her husband, Arthur Agostini, was incorrectly billed to WKJ Young Group, owner of the property next door, and

**WHEREAS**, WKJ Young Group paid the 2004 school taxes and the Town & County taxes for 2005, and

**WHEREAS**, Mrs. Agostini desired to correct the error, and

**WHEREAS**, since the tax bill was paid on time no penalty is due, and

**WHEREAS**, it is possible for the Town Supervisor to receive the payment in a Trust & Agency account (T-75) and also to make a reimbursement from the Trust & Agency account to WKJ Young Group, 2240 Southwestern Boulevard, for payment collected in error

**NOW, THEREFORE, be it**

**RESOLVED**, that this resolution is approved as a record of the transaction whereby the 2004 School Taxes and the 2005 County Taxes are recorded paid by Arthur Agostini, 2999 Angle Road for vacant property, SBL 153.12-1-2.12, and be it further

**RESOLVED**, that a copy of this resolution be sent to Mrs. Arthur Agostini at 2999 Angle Road for her records.

**The resolution was unanimously adopted.**

**New Business # 11 Chisholm Trail residents requesting a Block Party**

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

**RESOLVED**, that the Town Board does hereby approve the request of the Chisholm Trail residents to hold a Block Party on Saturday, August 20, 2005 from 10:00 A.M. to 10:00 P.M., and be it further

**RESOLVED**, that the Town Board does hereby direct the Highway Superintendent to block the road where necessary.

**The resolution was unanimously adopted.**

**New Business # 12 OP Business Assoc. request to hold Halloween Parade on August 30, 2005**

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

**WHEREAS**, the Orchard Park Business Association has requested permission to hold a Children's Halloween Parade at 3:00 pm on August 30<sup>th</sup>, and

**WHEREAS**, the participants would assemble at the Middle School at 2:30 PM, and at 3:00 PM the participants will proceed down Lincoln Ave. to Thorn Ave and then to Bank St. and end at the Yates Park Recreation Center, where the children will be served cider & donuts, and then participate in games and projects, with the event to end at 5:00 PM, and

**WHEREAS**, all children participating in the parade will be required to be accompanied by a parent or guardian

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby approve the Orchard Park Business Association request to hold a Children's Halloween Parade on August 30, 2005.

**The resolution was unanimously adopted.**



**New Business # 13 Horizons Home Show South request to close Mourning Dove Court**

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

**WHEREAS** the Buffalo Niagara Builders Association is holding their 2005 Horizons Home Show South Edition in Birdsong Subdivision, on Mourning Dove Court, from September 8<sup>th</sup> to the 25<sup>th</sup>, and

**WHEREAS**, this show will feature nine landscaped and decorated homes by different builders, and

**WHEREAS**, in the interest of public safety they are requesting approval to close Mourning Dove Court to all moving traffic during show hours and will supply a shuttle for attending guests from Birdsong Park to the show site so the traffic does not infringe on the existing residents quality of life

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby approve the request of the Buffalo Niagara Builders Association to close Mourning Dove Court during the Horizon Show hours from September 8<sup>th</sup> to September 25<sup>th</sup>, and be it further

**RESOLVED**, that the Town Board does hereby approve a temporary sign to highlight the show, per the submitted plan

Supervisor Cudney stated that the Buffalo Niagara Builders are going to notify the other residents in Birdsong Subdivision of this event, and they will have adequate facilities to accommodate the people who are attending the home show.

**The resolution was unanimously adopted.**

**Refer to Planning Board and Conservation Board**

18) 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 following to the Planning Board and Conservation Board: 1) Town Lincoln Mercury-Mazda-Isuzu, 3525 Southwestern Blvd, request a building permit for a 34,805 ± automobile dealership, and 2) Anne Romano, 34 Hawthorne Court, request for 4095 North Buffalo Street for a Change-in-Use from retail/storefront to retail/studio ( not on agenda).

**The resolution was unanimously adopted.**

**ELECTED OFFICIALS & DEPARTMENT HEADS**

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

**WHEREAS**, the Town has received additional funds for a records management grant to assist in appropriate recordkeeping and archiving, and

**WHEREAS**, the Town's 2005 adopted budget does not contain appropriations relating to such grant, and

**WHEREAS**, the funding for these adjusted appropriations will be supported by state aid from such approved grant, of which the remainder is being received in 2005

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the amending of the Town's 2005 budget to increase estimated revenues and authorize additional appropriations as follows:

Increase Appropriation Account: A.1410.0462 – Town Clerk – Records Management	\$914.00
Increase Estimated Revenues: A.0000.3060 – State Aid – Records Management	\$914.00

**The resolution was unanimously adopted.**

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

**WHEREAS**, the Town has received a letter from the National Ovarian Cancer Coalition of NY President, Marcia VanDeward, Ph.D., stating that nationally, September is Ovarian Cancer Awareness Month, and

**WHEREAS**, Ms. VanDeward requested permission to place teal “Awareness Bows” in the municipality during the month of September

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does hereby proclaim the month of September as “Ovarian Cancer Awareness Month, and be it further

**RESOLVED**, that the Town Board does hereby approve the placement of two large teal “Awareness Bows” in front of the Municipal Building.

**The resolution was unanimously adopted.**

Supervisor Cudney announced that there will be no regular Town Board work session next Wednesday, August 24<sup>th</sup>, the next work session will be on August 31<sup>st</sup> in the Supervisor's Conference Room.

Councilwoman Ackerman stated that the Town has received a letter from the NYS DOT indicating that there was no significant necessity for mitigation with regards to Quaker Crossing East. She also noted that the documents that are necessary to be perused by the Town Board are in, therefore the Town Board will be able to take action on Quaker Crossing East at the next Town Board meeting on September 7<sup>th</sup> 2005.

Councilman Jemiolo stated that in the past two days there have been three different meetings with the public where the residents came out to express their opinions. There was a meeting on a Special Exception Use permit, one with residents from Eagle Heights & Deer Run regarding a proposed development and another meeting with the residents of Bussendorfer Rd. regarding drainage issues. He stated it is refreshing to see the residents take the time to share their concerns and opinions with the Town Board, to help the Town Board in their decisions.

Councilman Kaczor announced that this Friday there is going to be the 1<sup>st</sup> Annual Outdoor Movie at the Town Pavilion. The movie is going to be “Racing Stripes” and everyone should bring their blankets or chairs and enjoy the movie. The sponsors for the outdoor movie are McCarthy Ford, Subway and Cappelli's Pizza and the Orchard Park Recreation Department has coordinated this event.

Councilman Mills said he feels that the Town Board should start to address what is allowed as a "Home Occupation" in Orchard Park, and state in the ordinances what is allowed and what is not allowed under that classification.

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

**WHEREAS**, the Town of Orchard Park has a contract with Mr. Stanley to purchase some land on Bussendorfer Rd., and

**WHEREAS**, this contract is to be cancelled on Monday in the event the Town did not complete a study of the wetlands, and this study is not completed, and

**WHEREAS**, Mr. Stanley has agreed to extend the timeframe to cancel the contract in the event the Town determines that the Wetlands Study is not appropriate

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to execute the addendum to the agreement to extend the time to cancel the contract with Mr. Stanley for the Bussendorfer property to September 20, 2005, as recommended by the Town Attorney.

**The resolution was unanimously adopted.**

Highway Superintendent, Fred Piasecki, outlined the progress on the South Lane Project and Independence Heights, and stated that he talked to Albany regarding the grant money for the Compose Site, which has been approved and the Town will receive soon.

#### **DEPARTMENT HEADS FROM THE FLOOR**

**No one gave a report this evening.**

**22) 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 #16 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$80,070.79
Part Town Fund	\$1,902.76
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$44,601.53
Special Districts	\$126,438.61
Trust & Agency	\$5,144.96
Capital Fund	\$211,704.49

**The resolution was unanimously adopted.**

**Receive & File Communications & Reports**

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

**RESOLVED**, that the Town Board does hereby receive and file the following communications & reports:

**Communications:**

- Department of Defense, Secretary of the Army, Washington: Sending a letter of thanks for all the support that has been given by the employers of the Soldiers of the National Guard and Reserves in preservation of their jobs and benefits. This is vital to our soldiers and eases their transition from civilian to Soldier and back to civilian.
- Erie County Industrial Development Agency; Notice of Public Hearing, September 8, 2005 at 2:30 PM at the Orchard Park Municipal Center for the acquisition of land and the construction of a life care community to be known as Fox Run at Orchard Park.
- Letter from New York State Department of Transportation regarding the traffic issues for Quaker Crossing East (not on agenda)

**Reports:**

- Building Inspectors Monthly Report & Building Permits for July 2005.
- Chief of Police's Monthly Report for July 2005.
- Dog Control Officer: The Larvicide Program has been completed for the Town set up by Erie County.

**The resolution was unanimously adopted.**

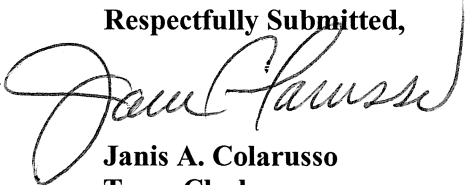
**BUSINESS FROM THE FLOOR**

**Gerald Buchheit- General Manager & Owner of Quaker Crossing Retail Center:** Mr. Buchheit read a statement regarding the Quaker Crossing Retail Center traffic study. Mr. Buchheit stated that Supervisor Cudney alleged in an article in the Southtown's Citizen that Mr. Buchheit put a lot of political pressure on the NYSDOT Traffic Engineers to submit a favorable traffic study for the plaza. Mr. Buchheit stated that he did not, and would not. He would like the board to look into this matter.

Supervisor Cudney stated she said it was "rumored" that Mr. Buchheit had influenced the NYSDOT.

There being no more business from the floor, on motion by Supervisor Cudney, seconded by Councilman Jemiolo to wit; the meeting was adjourned at 8:44 PM (local time).

**Respectfully Submitted,**



**Janis A. Colarusso**  
Town Clerk