

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 5th day of October 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

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 August 17, 2005 and September 7, 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.

New Business #1 Village of Orchard Park Requesting to use Town Property East of Train Depot

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

WHEREAS, the Village of Orchard Park sponsors the Annual Holiday in the Park, and this year's celebration will take place on December 3, 2005 from 4:00 PM to 7:00 PM, and

WHEREAS, in the past the Town has allowed the use of the Town owned green area on either side of the Train Depot, which is the center of the event to be held from Saturday, December 3, 2005 through the week of January 8, 2006 to display the lighted holiday trees.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the request of the Village of Orchard Park to use the green area on either side of the Depot for the Holiday in the Park with provided insurance and removal of the trees by the Village DPW the week of January 8, 2006.

The resolution was unanimously adopted.

New Business #2 Approve the 2005 Commercial Parking Permit for Gerald Mazur

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

RESOLVED, that the Town Board does hereby authorize the 2005 Commercial Parking Permit for Gerald Mazur, 3916 Southwestern Boulevard, Orchard Park New York, 14127, as recommended by the Building Inspector and the Police Chief.

The resolution was unanimously adopted.

New Business #3 Schedule Public Hearing for the Community Development Block Grant Fund

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

WHEREAS, in order to be eligible to continue to receive 2006-2007 Community Development Block Grant funds through the Erie County CDBG Consortium, the Town of Orchard Park is required to conduct a public hearing to provide citizens an opportunity for input into the project selection process. Project applications are due on October 31, 2005

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby schedule a Public Hearing for Wednesday, October 19, 2005, at 7:00 PM (local time), for the possible use of the 2006-2007 Community Development Block Grant Funds, and be it further

RESOLVED, that the Town Board does hereby direct the Town Clerk to publish due notice in the official newspaper of the Town.

The resolution was unanimously adopted.

New Business #4 Orchard Park Central School Requesting to Hold the 2005 Homecoming Parade

5) 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 request to hold the 2005 Orchard Park High School Homecoming Parade on Saturday, October 22nd at 12:00 PM, starting from the Middle School parking lot on Lincoln Avenue, turning right on Rte. 20A through the Village, turning left onto North Freeman Road to the Orchard Park High School Athletic Field.

The resolution was unanimously adopted.

New Business #5 Public Safety Comm. Requesting the Town Send a Letter to Erie County DOT

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

WHEREAS, the Public Safety Committee has received a letter from Mr. Barnack from the New York State Department of Transportation in reply to a letter sent regarding the request of Ms. Deborah Yeomans, 6585 E. Webster Road, to review a possible solution for no shoulder or sidewalk for pedestrians, and

WHEREAS, according to Mr. Barnack, the State has provided pedestrian indications to assist pedestrians in crossing both North Buffalo Road and Webster (E. Webster Road) and further stated any concerns related to pedestrian access on E. Webster Road should be addressed by the agency having jurisdiction, which is Erie County.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize sending a letter to Erie County Department of Transportation in the matter of pedestrian access on E. Webster Road, as recommended by the Public Safety Committee.

The resolution was unanimously adopted.

New Business #6 Public Safety Comm. Requesting the Town Board Send a Letter to NYSDOT

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

WHEREAS, at the Public Safety Committee meeting on September 20, 2005, the Intersection of Rte. 240/Rte. 277 at Rte. 20A (in the Village) was discussed. Chairman Szewc stated that they would like to have the New York State Department of Transportation examine this Intersection to facilitate turning for large vehicles

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize sending a letter to Mr. Barnack, from the New York State Department of Transportation, to address the turning of large vehicles at the Intersection of Rte. 240/Rte. 277 at Rte. 20A (in the Village), as recommended by the Public Safety Committee.

The resolution was unanimously adopted.

New Business #7 Highway Superintendent to Post "No Standing" on Eaglebrook Drive

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

WHEREAS, at the Public Safety Committee meeting on September 20, 2005, a letter forwarded from the Building Inspector at the request of Donald Eagan, 39 Eaglebrook Drive, regarding the ABC Rental employees parking that is along both sides of Eaglebrook Drive, and

WHEREAS, the Public Safety Committee did conduct a site survey and recommends posting "No Parking" signs on the north side only for 300 feet.

At this time, Police Chief McCune suggested to the Supervisor and the Town Board that the signs that are being posted read "No Standing".

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the posting of "No Standing" signs on the North side of Eaglebrook Drive, for 300 feet across from ABC Rental, as recommended by the Police Chief, and be it further

RESOLVED, that the Town Board does hereby authorize the Orchard Park Highway Department to post the "No Standing" signs.

The resolution was unanimously adopted.

New Business #8 Authorize Supervisor to Sign & Accept the Homeland Security Grant

9) 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 Supervisor to sign and accept the \$50,000 Homeland Security Grant awarded to the Orchard Park Police Department, as requested by the Police Chief.

Police Chief McCune explained that this grant will enable the Police Department to purchase a couple of vehicles for emergency and communication equipment to respond to situations at Ralph Wilson Stadium. In addition, the Police will be able to utilize these assets for other police and emergency responses in the Town. Chief McCune thanked Officer Bill Hanrahan for his tenacity in obtaining this grant from the State and Federal Government.

The resolution was unanimously adopted.

New Business #9 Appointment to Secretary for the Chief of Police

10) 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 appoint Connie Freeman, as Secretary (Confidential) to the Chief of Police, Non Union Position, Non Union Wage Scale, Range 0400, Step C, at a rate of \$14.51/hr, effective as of Payroll 21, October 3, 2005.

Supervisor Cudney stated Ms. Freeman has worked as a Police Clerk in the Orchard Park Police Department since 1999. She has been serving as "Acting Secretary" to the Chief of Police during the absence of Nancy Janish, due to an injury. She stated Nancy Janish has retired from employment with the Town of Orchard Park and the Police Chief is recommending the permanent appointment to Ms. Freeman. Councilwoman Ackerman introduced Ms. Freeman who was in the audience and offered her congratulations along with the Town Board.

The resolution was unanimously adopted.

New Business #10 Appointment of Real Property Appraiser for the Assessor's Department

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

RESOLVED, that the Town Board does hereby appoint Stephen J. Squire, as Real Property Appraiser, White Collar Union Position, WC Union Wage Scale, Range 0009, Step E at a rate of \$20.53/hr, effective as of Payroll 21, October 3, 2005.

Supervisor Cudney stated Mr. Squire has worked as a provisional appointee pending a Civil Service Test, as the Real Property Appraiser in the Orchard Park Assessing Department since March 2004. Mr. Squire was No. #1 on the test results list.

The resolution was unanimously adopted.

New Business #11 Appointment to the 2005-2006 Fall/Winter/Spring Staff for the Recreation Dept.

12) 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 approve the following 2005-2006 Fall/Winter/Spring/Summer Staff Appointments for the Orchard Park Recreation Department, dependent upon the applicant(s) providing the required certifications, as recommended by the Recreation Director:

Name	Address	Position
Angela Gambino	4653 Abbott Rd.	Guard
Christopher Moonin	46 Treehaven Rd., West Seneca NY 14224	Guard
Tyler Blonar	2233 New Jerusalem Rd., Eden NY 14057	Guard
Amanda Janosky	833 Sturgen Point Rd., Derby NY 14047	Guard
Lindsay Pohlman	18 Stonehenge Dr.	Aide

The resolution was unanimously adopted.

New Business #12, 13 & 14 Refer to the Planning Board and/or Conservation Board

13) 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 items: 1) Alliance Homes, 3735 North Buffalo Road. Requesting a Building Permit to construct a 1,120 square foot single story brick office building to replace the existing office. 2) Buffalo Niagara Court Center, Inc. 530'± Westerly from the intersection of Orchard Park Road and Weiss Avenue. Requesting to rezone property from R-3 to B-2 to construct an indoor sports arena, and 3) Young Development, 2240 Southwestern Boulevard, Zone R-3. Requesting Special Exception Use to construct/develop Town House Units.

The resolution was unanimously adopted.

ELECTED OFFICIALS & DEPARTMENT HEADS

14) 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 following budget transfer(s), as requested by the Dog Control Officer.

FROM:			TO:	
\$400.00	A3510.0448	Building Maint.	A3510.0445	Maint. of Vehicle
\$250.00	A3510.0485	Furnace Repair	A3510.0445	Maint. of Vehicle
\$350.00	A3510.0446	Animal Hosp. Care	A3510.0475	Gasoline
\$300.00	A3510.0420	Nuisance Animal	A3510.0475	Gasoline
\$200.00	A3510.0414	Training	A3510.0475	Gasoline

The resolution was unanimously adopted.

15) 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 following budget transfer, as requested by the Highway Superintendent.

FROM:
\$25,000.00 DA5110.0472 Stone, Gravel

TO:
DA5110.0416 Fuel

The resolution was unanimously adopted.

Supervisor Cudney announced that the NYDOT sidewalk replacement and driveway apron work along North Buffalo Road will be going on for two weeks. Supervisor Cudney stated that the proposed 2006 Preliminary Budget and the Benefit Basis Special District Budget is filed and can be reviewed in the Town Clerk's office along with an explanation that she prepared for the citizens. Supervisor Cudney stated that since 1998 when she became Supervisor of Orchard Park, the increase has been only 12 cents per thousand over the eight years. There will be a Public Hearing on November 1, 2005 for this budget.

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

WHEREAS, the Orchard Park Garden Club is presenting a Holiday Flower Show at the Orchard Park Municipal Center on November 5th & 6th, with set up on November 4th. They would like to use the building during the following hours on those days:

Friday, Nov. 4 th - 1:00 to 5:00 PM	Committee to work in the basement and some of the hall areas.
5:00 to 7:00 PM	Members to bring in their displays.
7:00 to 10:00 PM	Placement of exhibits and pre-show clean up.
Sat., Nov. 5 th - 7:30 to 5:15 PM	Judging & Show
Sun., Nov. 6 th - 11:30 to 6:00 PM	Show & Dismantling

NOW THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Orchard Park Garden Club the use of the Municipal Center to hold their Holiday Flower Show at the designated times, and all proper paper work and insurance documents have been submitted.

The resolution was unanimously adopted.

Councilwoman Ackerman announced and congratulated Christian Fields from Troop #285, who has become an Eagle Scout. She also reported on Youth Board/Youth Court activities and that there is a new class selected and they will be sworn in and instruction will be held on Saturday mornings in the Municipal Center. Councilwoman Ackerman stated that the Jolls Homestead will be open prior to Thanksgiving. A Children's' Christmas will be the theme this year. High school students who have joined the Historical Society will be helping to decorate. She also wanted to thank everyone who participates and attends the Town Board meetings. Councilwoman Ackerman stated that the Comprehensive Plan is complete and is being checked for the final revision.

17) 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 posting of 17 "Dog Signs" in all the Town parks, as recommended by the Recreation Department, and pre-filed with the Town Board and the Highway Department.

The resolution was unanimously adopted.

Councilman Kaczor reported on the Fall Fest held at Yates Park.

18) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN MILLS, WHO MOVED ITS ADOPTION, AND SECONDED UNANIMOUSLY BY THE TOWN BOARD, TO WIT:

WHEREAS, the Town of Orchard Park has benefited greatly because of the dedication and hard work of Chuck Alessi who has always been willing to place his concern for the public good ahead of his personal interests and thus, has earned the admiration and high regard of other civic leaders and the affection of a host of area residents, and

WHEREAS, for the last thirty-seven years Chuck Alessi has committed himself to working with Erie County Sewer District #3 and their Board Members, and

WHEREAS, after thirty-seven years of hard work and devotion to his community and the residents of Erie County, Chuck Alessi has decided to hang up his hat and spend time with his family.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Orchard Park would like to pay tribute to Chuck Alessi whose compassion and genuine commitment to the welfare of other human beings is a source of inspiration to everyone, and be it further

RESOLVED, on the 5th day of October, 2005, the Board Members of the Town of Orchard Park would like to express their sincere appreciation and "thanks" to Chuck Alessi for his distinguished service to our Community of Orchard Park, and his dedicated service to the welfare of the residents who live in it.

Supervisor Toni Cudney	Aye
Councilwoman Nan Ackerman	Aye
Councilman Stanley Jemiolo, Jr.	Aye
Councilman David Kaczor	Aye
Councilman John Mills	Aye

The resolution was unanimously adopted.

Councilman Mills stated that Deputy Commissioner of Environmental Planning, Charles Alessi, announced his retirement after 37 years. Councilman Mills praised Mr. Alessi for his outstanding public service to the community and keeping the tax rate down for sewer treatment.

Supervisor Cudney stated that she, Councilman Kaczor, Councilman Jemiolo and Councilman Mills are on the Sewer District #3 Board and enjoyed working with Mr. Alessi and congratulate him on his retirement. Councilwoman Ackerman stated that she too has had the pleasure of working with Mr. Alessi.

Councilman Mills stated the Mr. Alessi suggested that the Town send a letter in the future to Mt. Vernon and Wannakah to ask them to consider joining Sewer District #3.

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

WHEREAS, an Addendum to the Contract made by and between Thomas A. Stanley as Seller ("Seller") and the Town of Orchard Park as Purchaser ("Purchaser") which Contract is dated June 22nd, 2005 (said Contract together with all addenda thereto shall be referred to herein as the "Contract").

WHEREAS, the Purchaser wishes to modify the terms of the Contract to relieve Purchaser of its obligation to pay a Closing Extension Fee for the month of September 2005, as provided for in paragraph 14 of the Contract, and

WHEREAS, Seller wishes to have the right to name the lake that the Town plans to construct on the premises subject to the Contract (hereafter said premises shall be referred to as the "Premises") and Seller wishes to be able to hunt with his invitees on said Premises until April 30, 2006

NOW, THEREFORE, in consideration of \$1.00 and other valuable consideration paid by each party to the other, receipt of which is hereby acknowledged, Seller and Purchaser agree as follows:

- Purchaser shall not be required to pay the Closing Extension Fee for the month of September 2005, as provided for in paragraph of the Contract.
- Purchaser hereby grants to Seller, his heirs, successors and assigns, the right to name any pond, lake or body of water that the Purchaser may cause to be constructed on the Premises. Said right shall be irrevocable and shall not merge with deed. Name shall be either Lake Stanley or Lake Schwanley.
- Purchaser hereby grants to Seller and Seller's invitees the right to hunt on the Premises, said right to expire on April 30, 2006. Said right shall be irrevocable and shall not merge with the deed. Seller agrees that hunting shall be in season and only upon obtaining any required state hunting license or licenses.

RESOLVED, that the Town Board does hereby authorize the Supervisor to execute an Addendum to the Agreement purchasing the Stanley property to allow the naming of a possible future lake and hunting until 2006, as recommended by the Town Attorney.

Supervisor Cudney stated that the Town is purchasing this property in order to expand the California Road Brush Mountain Park.

The resolution was unanimously adopted.

20) 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 Highway Department to auction a 1987 Dump truck, 1993 Ford pick up and a 1980 Crew dump truck, as recommended by the Highway Superintendent.

The resolution was unanimously adopted.

The Highway Superintendent reported that Highway Department has paved South Lane and Reppien Place. He also stated that he received a check from New York State C.H.I.P.S. program for \$87,455.68 that paid for the Murphy Road paving.

Town Engineer Bieler stated the work on the Birdsong Nature Trails has begun and South Lane concrete gutter work and driveways have been completed. He also gave an update on the Baker Road Reconstruction Project.

DEPARTMENT HEADS FROM THE FLOOR

No one gave a report this evening.

21) 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 approval of all entries on Warrant #19 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$47,099.82
Part Town Fund	765.91
Risk Retention	505.05
Cemetery Fund	0.00
Highway Fund	21,954.85
Special Districts	13,414.54
Trust & Agency	1,588.26
Capital Fund	294,945.71

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Michelle Phillips, 131 Woodview Drive: She thanked Councilman Mills, Councilwoman Ackerman and Councilman Jemiolo for their efforts in the creek and road flooding problems in the Woodview and Highland neighborhood. Ms. Phillips asked what progress has been made in solving this problem.

Councilman Mills stated that he is working with Mayor Wilson and the Village on a solution. Town Engineer Bieler stated that some work on the Bridle Path area could help the situation. Supervisor Cudney stated that she looked into a Community Block Grant for assistance, but this area did not qualify.

Councilman Jemiolo stated that Supervisor Cudney and Councilman Mills have been reviewing the Parson's Study and again stressed the need for a Town Wide Drainage District.

Councilman Kaczor agreed that the Town Wide Drainage District would be fair and equitable for everyone.

Marion Snyderman, 38 Woodview Court: She stated that she is encouraged and appreciates the positive efforts of the Town and Village. The Town Engineer addressed Ms. Snyderman's questions, explained the function of detention and retention ponds and discussed at length some of the existing problems and some possible future remedies.

Carol Stadelmaier, 73 Eaglebrook Drive: She stated that perhaps some of this information being gathered for the Bussendorfer Road and Woodview Drive residents' water situation could possibly help her neighborhood, since they are on Smokes Creek also.

Councilman Kaczor wanted to thank the Village Board and the Town Board and the residents for their input, as the drainage issue is a community problem.

Jim Suplicki, 5560 Big Tree Road: He has been asking for help for years concerning his water pressure. The Town Engineer stated that he would check his water reading. He also asked who was financially responsible for the repair of the sidewalks on North Buffalo Street.

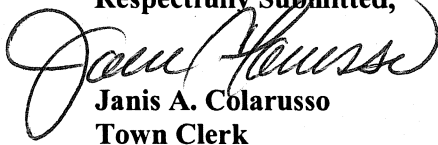
Willard Haas, 3645 Baker Road: He is still unhappy with the dust problem.

Robert Aronica, 3656 Baker Road: He thanked Councilman Mills for his efforts on Baker Road since the last Town Board meeting. Mr. Aronica feels that the contractor is not responsible and the residents are suffering.

Anne Marie Kuwik, 3965 Baker Road: She is concerned with the grading and the pitch of the road. Ms. Kuwik stated that there is a tree on her property at the curve in the road and she would allow it to be taken down for safety reasons.

There being no more business from the floor, on motion by Supervisor Cudney, seconded by Councilman Jemiolo to wit; the meeting was adjourned at 8:50 PM (local time).

Respectfully Submitted,



Janis A. Colarusso
Town Clerk