

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 21st day of October 2009 at 7:00 PM, the meeting was called to order by the Supervisor and there were:

PRESENT AT ROLL CALL:	Mary Travers Murphy	Supervisor
	David Kaczor	Councilman
	Mark Dietrick	Councilman
	Edward Graber	Councilman
	Nancy Ackerman	Councilwoman
	Kathleen Swarbrick	Deputy Town Clerk
	Leonard Berkowitz	Town Attorney
	Andrew Geist	Building Inspector
	Andrew Benz	Chief of Police
	Frederick Piasecki, Jr.	Highway Superintendent
	Wayne Bieler	Town Engineer

ABSENT: Janis Colarusso Town Clerk

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 KACZOR, TO WIT:

RESOLVED, that the minutes of the Town Board held on September 2nd and 16th, 2009, 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 as previously received copies thereof.

The resolution was unanimously adopted.

Old Business # 1 Amigone Funeral Home, 6170 West Quaker St, Requesting a Building Permit

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

RESOLVED, that the Town Board does hereby authorize a Building Permit to construct a 3,315 ± sq. ft. addition to the existing building and provide approximately 13 additional parking spaces with site improvements and approve the Site Plan received 10/01/2009 based on the following conditions and stipulations:

- This is a Type II SEQR action based on the submitted Long EAF, Parts One and Two and a Negative Declaration is declared.
- The site lighting is limited to those fixtures and poles indicated on the approved Site Plan. Light fixtures shall have flat lens.
- There will be no outside storage or display permitted.
- Dumpsters, as shown, shall be screened, along with any additional dumpsters, in accordance with §144-25 of the Town Code.

- Town Engineering approval was granted on 10/14/09.
- After review and recommendation by the Conservation Board, a three year landscape completion bond in the amount of \$5,130.00 shall be provided for the landscape plan received 9/08/09 which includes 9.7% greenspace, prior to the receipt of a Building Permit.
- Additionally, prior to the issuance of the Building permit, the merger of the two (2) parcels must be completed and the address must be corrected on all copies of the proposed plan submitted to the Town of Orchard Park.

The resolution was unanimously adopted.

New Business # 1 Fall/Winter 2009-2010 Recreation Department Staff Appointments

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

RESOLVED, that the Town Board does hereby authorize the following 2009-2010 Fall/Winter Part-time Staff Appointment to the Orchard Park Recreation Department (dependent upon the applicant providing the required certifications), as recommended by the Recreation Director:

Name	Address	Rate	Position
Aaron Strobel	Town of Sardinia	\$9.50	PT2-D (att)

The resolution was unanimously adopted.

New Business #2 Approve the 2009-2010 Commercial Parking Permits

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

RESOLVED, that the Town Board does hereby approve the following 2009-2010 Commercial Parking Permit, as recommended by the Building Inspector: Danny's South, 4300 Abbott Road.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Kevin Steinig – Mr. Steinig, who lives on the corner of Baker Road and Braunview Way, received a letter from The Braunview Estates Homeowners, Inc. (BEHI) stating that he is not allowed to use the tree lined parcel of land on either side of the entrance to the Braunview subdivision. Mr. Steinig stated that the Town has been maintaining that property for many years and feels the Town should be reimbursed by BEHI for all the past services.

Sal Cerrone – Mr. Cerrone stated that if the Town closed off Amanda Drive (except to emergency vehicles) at the intersection of North Benzing Road, that would eliminate the traffic problems on Bielak, Bieler, and the Minden subdivision. Mr. Cerrone is concerned with the property north of the Target store (Zoned Industrial) and what its eventual use would be because there is a roadway back to that area.

Callie Lockwood – Ms. Lockwood talked about the article in the Buffalo News regarding a proposed Senior Housing project in Orchard Park. She was upset that the Town would discriminate against seniors who would like to move into Orchard Park.

Lou Boehm – Mr. Boehm wondered why Councilwoman Ackerman spoke for the Town Board in the Buffalo News article regarding Senior Housing.

ELECTED OFFICIALS & DEPARTMENT HEADS

Nan Ackerman announced that the first concert of the Orchard Park Symphony would be held this Friday, October 23rd at 7:00pm at the Middle School Auditorium.

David Kaczor announced the annual Recreation Halloween Party would be Saturday, October 24th. He also stated the Town Clerk, Janis Colarusso, had called him this evening and asked him to remind everyone that the referendum for the merger of the offices of the Tax Receiver and Town Clerk is on the November 3rd General Election Ballot. Councilman Kaczor stated that the Braunview Homeowners Association approached the Town about reimbursing the fees for the lawn care of the parcels along the Baker Road entrance to the subdivision.

Mark Dietrick stated that he has concerns with the proposed Town Budget on the income side, as it is already known some of the revenue taxes are already down and the Town has a record number challenges in assessments this year.

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

WHEREAS, federal law now requires that self-insured entities report all claims for compensation to the appropriate representative of Medicare, and

WHEREAS, this Town Board must appoint an individual who will be responsible for reporting any compensation claims to the appropriate representative of Medicare

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney for the Town of Orchard Park, Leonard Berkowitz, is hereby directed to be the account representative for the Town of Orchard Park to report any compensation claims to an appropriate representative of Medicare, and be it further

RESOLVED, that Leonard Berkowitz authorize Eagle Claim Services to make the report to the appropriate Medicare representative on behalf of the Town regarding all compensation claims.

The resolution was unanimously adopted.

Town Attorney Leonard Berkowitz stated the Braunview Estates Homeowners, Inc. (BEHI) will be receiving a bill for services that were rendered during the year. The amount due was calculated based on a pro-rated portion of the total paid to the contractor who takes care of the Town's lawn mowing. The contractor thought that 5ft. wide strip was part of the Town right-of-way.

Highway Superintendent Fred Piasecki stated that the Short Drive Reconstruction has been completed, with the exception of the landscaping, which will be completed in the Spring. He thanked the residents for their patience.

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

WHEREAS, due to the existing soil conditions at the site of Pleasant Acres Subdivision, the Planning Board and the Engineering Department have expressed concerns regarding the proposed subdivision and future infrastructure, and

WHEREAS, the Town Engineer is requesting to retain a consultant with extensive experience with soil conditions in western New York to provide the following tasks:

- Review the proctors from soil samples taken during the excavation of the retention basin presently under the current Excavation/Fill Permit #2009-02 and provide comments and recommendations on the possible use as select fill to be placed as roadway subgrade within the Right-Of-Way limits.
- Recommend a frequency to which future soil samples (or re-sampling) should be taken to provide adequate proctors for practical use for soil placement in the field.
- Review dewatering system proposed and recommend a practical permanent well point detail to be installed with clay dams within the stone trench of the sanitary sewer system so that, in the future, the high ground water table could be lowered to permit maintenance work, if warranted
- Evaluate site conditions and review soil conditions and proposed fill placement methods.
- Soil technician for nuclear density testing.

WHEREAS, the Town Engineer solicited services from a local consultant Empire GEO Services Inc., which is qualified and capable to complete this work in the necessary time frame. Costs to provide Geotechnical Engineering support will be in the amount not to exceed \$7,740.00.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorized the Supervisor to sign an agreement with Empire GEO Services, Inc., 5167 South Park Avenue, Hamburg NY 14075, to provide Geotechnical Consulting Professional Services for the Pleasant Acres West Subdivision Design and Excavation/Fill Permit #2009-02 site evaluations in an amount not to exceed \$7,740.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

7) 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 #20 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$65,194.82
Part Town Fund	\$587.21
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$18,614.67
Special Districts	\$127,943.56
Trust & Agency	\$4,967.27
Capital Fund	\$16,411.94

The resolution was unanimously adopted.

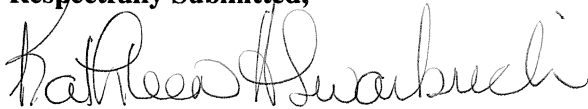
8) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN ACKERMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN GRABER, TO WIT:

RESOLVED, that the Town Board is hereby authorized to receive and file the following **Communication**: County of Erie County Executive Office sent a memo notifying all Town Supervisors/Budget Officers that all 2010 Town budgets shall be certified to the County of Erie at least one (1) week prior to the last Tuesday of November, which falls on November 17, 2009.

The resolution was unanimously adopted.

There being no further business, on motion by Supervisor Travers Murphy, seconded by Councilman Kaczor, the meeting was adjourned at 7:38 PM (local time).

Respectfully Submitted,



Kathleen Swarbrick
Deputy Town Clerk

