

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 December 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 |
| Nancy Ackerman | Councilwoman |
| David Kaczor | Councilman |
| Mark Dietrick | Councilman |
| Edward Graber | Councilman |
| | |
| 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 |

Supervisor Travers Murphy 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 GRABER, TO WIT:

RESOLVED, that the Town Board Meeting Minutes dated November 4, and November 18, 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 Approve Final Change Order Release of Retention to for Short Dr. Reconstruction

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

WHEREAS, the construction work on the Concrete Gutter Installation for the Short Drive Reconstruction Project has been completed and on October 29, 2009 a final inspection was conducted and all work has been satisfactorily completed in accordance with specifications, and

WHEREAS, a two-year maintenance bond in the amount of \$24,252.00 has been submitted along with the Affidavit of Release of Leins, Affidavit of Payment of Debts and Claims and necessary legal documents, and

WHEREAS, the Over/Under sheet showed a net decrease of \$7,073.00, representing a decrease of 22.58% from the Bid Contract amount.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the Final Change Order and authorize release of retention for the Concrete and Gutter and Driveway Apron for Short Drive Reconstruction Project to E. J. Militello Concrete, Inc. P.O. Box 770, East Amherst, NY 14051 in the amount of \$1,212.60 and authorize the Town Clerk to release the performance security in the amount of \$31,325.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #1 Schedule “Public Information Meeting” for “Dangerous & Unsafe” garage & shed

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

WHEREAS, pursuant to Chapter 47 of the Town Code of the Town of Orchard Park, this Town Board is declaring the garage and shed at 5750 Lake Avenue as dangerous and unsafe,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby schedule a “Public Information Meeting” for Wednesday, December 16, 2009, at 7:00 PM. in the Orchard Park Municipal Building, as recommended by the Building Inspector.

The resolution was unanimously adopted.

Old Business #2 Permanent Appointment to Assistant Recreation Director

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

WHEREAS, Kristin Santillo has fulfilled the six month probationary period according to Civil Service regulations,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint Kristin Santillo to Assistant Recreation Director effective December 8, 2009, as recommended by the Recreation Director.

The resolution was unanimously adopted.

New Business #3 Town Recreation Staff Rate Change

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

RESOLVED, that the Town Board does hereby authorize the following changes retroactive to September 2, 2009 for the Town of Orchard Park Recreation Department, as directed from the payroll department.

Name	Old Rate	New Rate	Position (Title)
Andrea Bautista	\$8.00	\$8.50	PT1-C (Att.)

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Louis Boehm – He commented on the complaints and traffic problems of WalMart. He stated that the WalMart Corporation and local politicians should pursue a greener, responsible and more practical solution by refurbishing existing vacated buildings.

ELECTED OFFICIALS & DEPARTMENT HEADS

6) 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 following Budget Transfers:

\$ 160.00	From: A.1440.0400	Engineering – Office Supplies
	To: A.1440.0414	Engineering – Insp. Training
\$ 28,000.00	From: A.3210.0475	Police – Gasoline
	To: A.3210.0215	Police – Patrol Vehicles
\$ 400.00	From: A.3120.0225	Police – Other Equipment
	To: A.3120.0443	Police – Equipment Repairs

The resolution was unanimously adopted.

Councilwoman Ackerman reported that the Orchard Park Symphony would be performing their Annual Christmas Concert at the Middle School on Friday, December 11, 2009 at 7:30 PM.

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

RESOLVED, that the Town Board is hereby authorized to schedule the following: the Town Board work session for December 9, 2009 will commence at 5:00 PM and will be an executive session to discuss retirees' benefits, and be it further

RESOLVED, the Town Board work session for December 16, 2009 will commence at 5:00 PM and will be an executive session to discuss appointments at the Organizational Meeting and the work session may continue after the regular Town Board meeting, and be it further

RESOLVED, the following Town Board work sessions are cancelled: December 23, 2009 & December 30, 2009.

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board is hereby authorized to schedule the Organizational Meeting for January 6, 2010 at 6:00 PM with the first Town Board regular meeting to immediately follow.

The following resolution was unanimously adopted.

Highway Superintendent Piasecki stated that the highway is continuing to pick up leaves and the snow equipment is ready.

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 #23 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$581,303.94
Part Town Fund	\$24,883.16
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$154,396.05
Special Districts	\$25,569.07
Trust & Agency	\$14,634.84
Capital Fund	\$1,050.00

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby receive and file the following *Communications*:

- 2010 Adopted Budget as delivered by Wayne Drescher of Drescher & Malecki, the accounting firm for the Town of Orchard Park.
- Orchard Park Justice Court New Office Hours.
- Orchard Park Justice Court Appointments for 2010.

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 7:15 PM (local time).

Respectfully Submitted,



Kathleen A. Swarbrick
Deputy Town Clerk