

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 27th day of February 2008 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
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.”*

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 Meeting of the Town Board held on January 16, 2008 & February 6, 2008, and the Special Meeting Minutes of the Town Board held on January 16 & 23, 2008 and February 13, 2008, 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.

Public Hearing

At 7:00 PM (local time) the Supervisor called for the Public Hearing to hear all interested persons for or against the rezoning of property from R-1 to Conservation Management Overlay District (CMO). Vacant land located on the South side of Milestrip Road and West of Ponderosa Court, “Village Home Subdivision”.

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 Travers Murphy opened the Public Hearing and asked if there was anyone who would like to speak for or against the proposed rezoning:

Opponents – Rebecca McCauley, Greg Ford and Phil Garrison: Everyone voiced the concerns of retaining the rural nature, wildlife, review for a wetland management plan, sanitary sewers, effect on property values and added traffic problems.

Proponents – Dominic Piestrak/Developer: He stated that Orchard Park is a leader for undeveloped green space and that area for the proposal would be forever wild and untouched. This subdivision would be geared to the older generation who want ranch style homes, without large property lots and would pay taxes.

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

RESOLVED, that the Public Hearing in the matter of the rezoning of property from R-1 to Conservation Management Overlay District (CMO). Vacant land located on the South side of Milestrip Road and West of Ponderosa Court, *Village Home Subdivision*, is hereby closed at 7:18 PM (local time). Supervisor Travers Murphy stated that there would not be any action taken tonight.

The resolution was unanimously adopted.

Old Business #1-Tabled: “Courtyard at Birdsong”, Vacant Land located on the North side of Jewett-Holmwood Road, East side of Freeman Road, Zoned R-1. Requesting to rezone property from R-1 to Conservation Management Overlay District /CMO. (Public Hearing held February 6, 2008)

Old Business #2 Expert Fence, 2897 Southwestern Blvd./Building Permit & Site Plan

3) 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 Expert Fence, 2897 Southwestern Boulevard, located on the South side of Southwestern Boulevard, Zoned B-2, a Building Permit to construct a 7,200 +/- sq. ft. metal building on an adjacent parcel, owned by the applicant, to relocate the existing business with the following conditions and stipulations:

- This is an Unlisted SEQR action based on the submitted FULL 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.
- No outside storage or display is 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 2/13/08.

The resolution was unanimously adopted.

Old Business #3 Bieler Janitorial Services, 3946 Southwestern Blvd./Building Permit

4) 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 Bieler Janitorial Services, 3946 Southwestern Boulevard, located on the North side of Southwestern Boulevard, West of Abbott Road, Zoned B-2, a Building Permit to convert a former existing single family home “Lot”/Site, previously demolished, for use as an office and warehouse space by constructing a 6,080 sq. ft. building with the following conditions and stipulations:

- This is an Unlisted SEQR action based on the submitted Full 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.
- No outside storage or display is 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 2/13/08.
- A landscape completion bond in the amount of \$4,252.00 shall be provided for the landscape plan received 10/01/07 which includes 38.3% total green space, prior to the receipt of a Building Permit.

The resolution was unanimously adopted.

Old Business #4 Schedule a Public Hearing for Jim Ball, 3433 Southwestern Boulevard

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

RESOLVED, that the Town Board is hereby authorized to schedule a Public Hearing for Wednesday, March 19, 2008 at 7:00 PM, for Jim Ball Cadillac, 3433 Southwestern Boulevard to rezone property from R-2 to B-2. Applicant is requesting to rezone the property for the purpose of expanding the existing Cadillac Dealership, and be it further

RESOLVED, that the Town Clerk is hereby authorized to publish due notice in the official paper.

The resolution was unanimously adopted.

Old Business #5 Polymer Conversions, 5758 Big Tree Road, Requesting Modifications for Site Plan

6) 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 approve the amended Site Plan for Polymer Conversions, 5758 Big Tree road, Zoned I-1, received on 1/9/08, involving a 6,000 +/- sq. ft. increase for a total of 25,504 +/- sq., with conditions and stipulations.

- This is an Unlisted SEAR action based on the submitted Long EAF, Parts One and Two and a Negative Declaration is declared.
- Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with §144-25 of the Town Code.
- No outside storage or display is permitted.
- A landscape completion bond in the amount of \$4,265.00 has been accepted for the landscape plan received, 4/3/06, which exceeds the 15% total green space requirement.
- Engineering Approval was granted on 2/13/08.
- Reduced parking is recommended per §144-29A(2) for 24-spaces which shall be landscape area at this time. Anytime in the future if the Town of Orchard Park deems that there is not enough parking at the facility said parking will be installed by the petitioner.

The resolution was unanimously adopted.

New Business #1 Town of Orchard Park Severs Contractual Ties w/Ronco Telephone System

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 sever all contractual ties with Ronco Telephone System with the Town of Orchard Park.

The resolution was unanimously adopted.

New Business #2 Town Board appoint Chief of Police

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

RESOLVED, that the Town Board does hereby appoint Andrew Benz to position of Chief of Police for the Orchard Park Police Department.

Andrew Benz thanked the Town Board and Chief McCune for his appointment. He introduced his wife, Rachaelle, daughter Natalie, sons Brian and Zachary, sister Nancy Robinette, sister-in-law Barb Benz and niece Juliet.

The resolution was unanimously adopted.

New Business #3 Town Board issues a Positive Declaration for the Proposed Wal-Mart/Milestrip

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

WHEREAS, the Town of Orchard Park Town Board ("Town Board") has received an Application from Wal-Mart Stores, East, L.P., for site plan approval for a Wal-Mart Supercenter on approximately 20 acres of land (Zoned B-1) on Milestrip, in the Town of Orchard Park, Erie County, New York ("Applicant"), (designated as Town of Orchard Park Tax Map number 161.05-4-19 and 161.5-4-8); and

WHEREAS, the Application was submitted together with a Full Environmental Assessment Form ("FEAF") and other supporting documentation ("Application Materials"); and

WHEREAS, the Town Board has determined in accordance with 6NYCRR 617.6 that: the proposed action appears to be a Type I action under SEQRA; coordinated SEQRA review shall be undertaken; and the Town Board is willing to act as Lead Agency for purpose of that review, and

WHEREAS, on or about December 19, 2007, the Town Board issued its Notice of Intent to act as Lead Agency and 30 days have passed since the Notice of Intent to act as Lead Agency was circulated, and

WHEREAS, none of the interested or involved Agencies objected to the Town acting as Lead Agency for purposed of this Project.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Town Board hereby determined that the Project may have a significant impact on the environment and has issued a Positive Declaration pursuant to SEQRA, therefore requiring a Environmental Impact Statement ("DEIS") be prepared by the Applicant.

2. The Town Board has determined that scoping is appropriate for the Project and will allow public comment on the Application through April 4, 2008.
3. The Applicant has submitted a draft Scope.
4. A public hearing soliciting comments on the draft Scope will be held on March 26, 2008 at 6:30 P.M. in the Town Hall Basement meeting room.

The resolution was unanimously adopted.

New Business #4 Town Board to Release Escrow under Pleasant Acres II Subdivision

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

WHEREAS, on December 19, 2007 the Town Board accepted dedication of the Public Improvement Constructed in the above referenced subdivision with the stipulation that funds paid by the contractor be held in escrow until the decorative street lighting was completed, and

WHEREAS, the contractor has since installed the required pole, fixtures, conduits and wiring on Tranquility Lane and at the corner of Tranquility Lane and Burbank Drive. 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 Co., 4430 Walden Avenue, Lancaster, New York 14086, the \$5,000 held in escrow for the installation of one light pole and of two light fixtures, and all associated conduits, wiring, and pull boxes in the Pleasant Acres II Subdivision, Map Cover Revision Amended Sublots 12, 13, 14, and 15 P.I.P. #2007-01, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #5 Approve PIP #2008: Chestnut Ridge Village Subdivision, Part 7, Phase 2 & Part 8

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

WHEREAS, the Engineering Department has received from David Chiarolanza, Essex Homes of Western New York, 8940 Main Street, Clarence, New York, an application for a Public Improvement Permit to construct the Chestnut Ridge Village Subdivision Part 7 - Phase 2 & Part 8, and

WHEREAS, the project consists of the installation of 2,090 L.F. of roadway and public utilities to serve 36 new sublots as shown on a map in the Engineering Department, and

WHEREAS, the Town Engineer has reviewed the plans and specifications for the proposed project and has found them to be in compliance with current Town specifications. We are in receipt of all necessary fees, bonds, and insurances. The Town Attorney is reviewing the irrevocable letter of credit submitted for the performance bond.

NOW THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Public Improvement Permit #2008-02 for the Chestnut Ridge Village Subdivision Part 7 - Phase 2 & Part 8, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #6 Approve Change Order #1 to the Contract for Police Interior Alteration Project

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

WHEREAS, the Engineering Department is requesting your approval of a Change Order to the contract with Lackawanna Electric & Construction Company Inc. for the Orchard Park Police Interior Alterations Project in the amount of \$2,897.77. If approved, this would increase the total contract amount to \$13,392.77, representing an increase of 27.61%, and

WHEREAS, the Change Order is requested to perform additional work not covered under their contract. The additional work involves the revising of switches and wiring in the dispatch area for the main lights, replacing proposed Hy-Hat fixtures with dimming Hy-Hat fixtures in dispatch, installation of an additional switch and wiring in the police clerk office, demolish the existing dispatch feed and installation of additional circuits, outlets, junction boxes, wiring and conduit for the two new dispatch consoles, and

WHEREAS, the proposed lights in the dispatch area were planned to be operated from two switches. The decision was made that better control of lighting in this area was needed and the addition of more switches to operate individual light groups would better accommodate the dispatchers and officers, and

WHEREAS, the Hy-Hat fixtures approved to be installed under this contract were standard lights, which are either fully on or off. The intensity of the lights over the dispatch consoles could not be adjusted and may over-power users. The logical change was to special order dimmable Hy-Hat lights so the individuals occupying the dispatch areas could adjust these lights to satisfy their needs, and

WHEREAS, the proposed change to install a second additional feed and switch in the police clerk office was necessary to better control the lighting situation in the office. The design proposed to operate the four light fixtures with a single switch. This situation allowed either all lights or no lights to be on in the office, the decision was made that the operation of two lights per switch would meet user needs, and

WHEREAS, the demolition of existing wiring and installation of new circuits and all necessary hardware for the dispatch consoles was not clearly identified until the units arrived on site and were installed. Once in place the requirements of the consoles were identified and the necessary changes were made to make the units fully operation-able. The Town has appropriated funding for the Orchard Park Police Interior Alterations Project under Capital Project #H-70 "Police Wing Remodeling" which should be adequate to cover the costs.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Change Order #1 to our contract with Lackawanna Electric & Construction Company Inc. for the Orchard Park Police Interior Alterations Project in the amount of an increase of \$2,897.77, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #7 Supervisor to sign Agreement for Orchard Park Recreational Groups

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

WHEREAS, the Town of Orchard Park is desirous of assisting in providing program(s) for the promotion of a recreational club for the boys and girls of the community, and

WHEREAS, representatives of the following groups appeared before the Town board and explained the purpose of their organization.

NOW, THEREFORE, be it

RESOLVED, that the Town Board is hereby authorizing the Supervisor to sign the Agreement (Dated; January 1, 2008) between the Town of Orchard Park and *District V Athletic Association*, and agrees to pay \$1,150.00 over four quarterly installments beginning March 1, 2008, and be it further

RESOLVED, that the Town Board is hereby authorizing the Supervisor to sign the Agreement (Dated; January 1, 2008) between the Town of Orchard Park and *Orchard Park Boys & Girls Club*, and agrees to pay \$13,000.00 over four quarterly installments beginning March 1, 2008, and be it further

RESOLVED, that the Town Board is hereby authorizing the Supervisor to sign the Agreement (Dated; January 1, 2008) between the Town of Orchard Park and *Orchard Park Little League*, and agrees to pay \$10,000.00 over four quarterly installments beginning March 1, 2008, and be it further

RESOLVED, that the Town Board is hereby authorizing the Supervisor to sign the Agreement (Dated; January 1, 2008) between the Town of Orchard Park and *Orchard Park Little Loop*, and agrees to pay \$2,800.00, over four quarterly installments beginning March 1, 2008, and be it further

RESOLVED, that the Town Board is hereby authorizing the Supervisor to sign the Agreement (Dated; January 1, 2008) between the Town of Orchard Park and *Orchard Park Rugby*, and agrees to pay \$600.00, over four quarterly installments beginning March 1, 2008, and be it further

RESOLVED, that the Town Board is hereby authorizing the Supervisor to sign the Agreement (Dated; between the Town of Orchard Park and *Orchard Park Youth Basketball Association*, and agrees to pay \$3,050.00, over four quarterly installments beginning March 1, 2008.

The resolution was unanimously adopted.

New Business #8 Orchard Park Garden Club holding their 2008 Plant Sale, May 16 and 17

14) 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 Orchard Park Garden Club to hold their 2008 Plant Sale, May 16th and 17th at the Railroad Depot, and to erect a tent on Town property, and be it further

RESOLVED, that a certificate of Liability Insurance will be sent to the Town of Orchard Park.

The resolution was unanimously adopted.

New Business #9 Town Clerk & Building Inspector requesting to attend Seminar

15) 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 authorize the Town Clerk, Building Inspector and the Clerk to the Building Inspector to attend a one day seminar; *"Dealing w/People"*, Wednesday, April 9, 2008, 9:00 AM to 4:00 PM, Millennium Hotel Airport, 2040 Walden Avenue, at town expense.

The resolution was unanimously adopted.

New Business #10 Authorize the 2008 Public Stable Permit for Ridgewood Farm, 7613 Behm Road

16) 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 approve the 2008 Public Stable Permit for Ridgewood Farm, 7613 Behm Road, as recommended by the Building Inspector.

The resolution was unanimously adopted.

New Business #11 Traffic Order for "Stop" Signs; Winterhall Road and Woodbine Court

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

WHEREAS, per the request of the Police Chief and the Highway Superintendent, and pursuant to the authority granted by §1660 of the Vehicle and Traffic Law of the State of New York

NOW, THEREFORE, it is hereby

ORDERED, that the posting of a "Stop Sign" on Winterhall Road at the intersection of Fox Meadow Drive within the Town of Orchard Park, and be it further

ORDERED, that the posting of a "Stop Sign" on Woodbine Court at the intersection of Wildwood Lane within the Town of Orchard Park, and be it further

ORDERED, that the Superintendent of Highways be and is hereby directed to post the proper and necessary sign at said location.

The resolution was unanimously adopted.

New Business # 12 & 13 Refer-Planning Board and/or Conservation Board

18) 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 refer to the Planning Board and/or Conservation Board the following item listed on the agenda:

- Walter Schmidt, 14.34 acres of vacant land, East side of California Road, South of Big Tree Road, Zoned R-3. Requesting rezoning from R-3 to R-3 Special Exception Use in order to construct a townhouse project. Prior Special Exception Use approval was granted by the Town Board; this expired in September of 2006.
- Tim Horton's Restaurant, 3878 Southwestern Boulevard, located on the north side of Southwestern Boulevard, West of the existing Mobile gas station at the intersection of Southwestern Boulevard/Abbott Road, Zoned B-2. Applicant proposed to redevelop the site with a new 3,080 sq. ft. building, pavement, utilities, lighting and landscaping upon .93 acres.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Richard Arendt – He asked that the Town Board to use caution and common sense in dealing with development in Orchard Park. Mr. Art stated reasons for land conservation rather than commercial and residential development.

Jane Shumaker – She stated that the Town Board has a grave responsibility to correctly and responsibly mitigate the problematic issues concerning the proposed Wal-Mart.

James Crow – He thanked the Town Board for declaring a Positive SEQR for the Wal-Mart proposal and asked that they study the impact of the traffic on the Town and the surrounding neighborhoods. Mr. Crow stated that you can't always believe what you read as he was not the person who alerted the media on the method of trash disposal by the Town Attorney. Town Attorney Berkowitz stated that the opinion of the New York State Bar Association Ethics Committee has determined that it is allowed to put trash out to the sidewalk in opaque boxes, therefore, he did nothing wrong.

Chris Willett – He is opposed to the Wal-Mart and the problems associated with it. He stated that the Town Comprehensive Plan had goals that were in direct opposition to the Wal-Mart proposal. He asked the Town Board to act in the best interest of all of Orchard Park.

Louis Boehm – He is against the proposed WalMart.

Sal Cerrone – He is against the Wal-Mart proposal and gave examples supporting his opinion.

Elected Officials & Department Heads

Budget Transfers

19) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR TRAVERS MURPHY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN ACKERMAN, TO WIT:

RESOLVED, that the Town Board does hereby authorize the following budget transfers:

Supervisor Office:	\$39,575.00	From: A. 1910.0431	Central Service/Unallocated Insurance
	\$6,800.00	From: A.9065.0817	Central Service/Insurance Waivers
		To: A.9040.0813	Central Service/Workmens Comp.

<u>Senior Center:</u>	\$1,000.00	From: A.7610.0200 Sr. Citizens Equipment To: A.7610.0149 Pt/Sr.Ctr.Prog.
<u>Highway Dept:</u>	\$3,000.00	From: DA.5110.0440 Hwy. Equipment Rentals To: DA.5110.0420 Hwy. Telephones
<u>Compost Facility:</u>	\$100.00	From: 800.8161.0413 Training & Travel To: 800.8161.0407 Clothing Allowance
	\$500.00	From: 800.8161.0401 Facility Supplies To: 800.8161.0111 Crew Chief
	\$400.00	From: 800.8161.0401 Facility Supplies To: 800.8161.0422 Gas
	\$12,600.00	From: 800.8161.0443 Equipment Maint. To: 800.8161.0416 Gas, Oil, Antifreeze
	\$8,400.00	From: 800.8161.0443 Equipment Maint. To: 800.8161.0149 P/T Personnel
	\$2,100.00	From: 800.8161.0440 Equipment Rental To: 800.8161.0149 P/T Personnel

The resolution was unanimously adopted.

Elected Officials & Department Heads

At this time, Councilwoman Ackerman asked the Town Board Members, former Chief of Police, Robert Henning and the new Chief of Police, Andrew Benz, to join her as she presented outgoing Chief of Police, Sam McCune two plaques to commemorate his years of outstanding service. Each of the Town Board members told some stories, related memories and gave words of farewell and good luck wishes to Sam McCune. Bob Henning and Andrew Benz also wished Sam the best in his retirement. Sam wished Andy and the Department the very best, thanked Bob Henning for his help as his boss. He stated that he grew up in Orchard Park and considered it an honor and privilege to serve. Sam said it has been a pleasure and he would miss the job, but it was time to retire and he thanked everyone. Councilwoman Ackerman thanked the members of the police force who showed up tonight to show their support and invited them, along with the audience, to share in refreshments after the meeting.

Councilman Kaczor reported on the Billboard Lawsuit, which the Town has won. He thanked the public for their support over the last six and half years.

Councilman Dietrick echoed Councilman Kaczor's sentiment.

Town Clerk Janis Colarusso wished Sam McCune the best on his retirement. She enjoyed working with him and said he would be greatly missed.

Town Attorney Leonard Berkowitz reported to the Town Board on the litigation concerning the Lamar Billboard Lawsuit. He stated that the Town has been successful in defending our ordinance, but there would be many more years of fighting Lamar through the succession of higher courts. Councilman Dietrick wanted to thank former Supervisor Cudney, former Councilmen Buyer and Jemiolo for their testimony after there terms were expired.

Building Inspector Andy Geist wished Sam McCune an enjoyable retirement.

Highway Superintendent Fred Piasecki stated that the Town received a check from FEMA for approximately \$1,500. He congratulated Sam McCune on his retirement.

Town Engineer Wayne Bieler stated it was a pleasure working with Sam McCune and wished him a happy retirement and looks forward to working with Andrew Benz.

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

RESOLVED, that the Town Board does hereby authorize the approval of all entries on Warrant #4 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$60,101.98
Part Town Fund	\$1,379.47
Risk Retention	\$150.00
Cemetery Fund	0
Highway Fund	\$91,349.79
Special Districts	\$115,940.95
Trust & Agency	\$1,583,000.66
Capital Fund	\$57,835.03

The resolution was unanimously adopted.

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

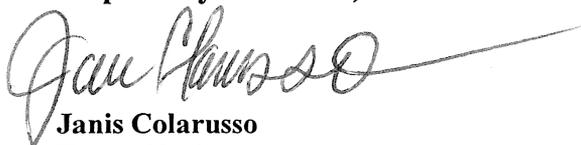
RESOLVED, that the Town Board does hereby receive and file the following Communications listed on the agenda: Ronald Stadelmaier, 73 Eaglebrook Drive; Sent a letter on behalf of the residents from Eaglebrook Drive, Brimfield Court and The Green stating "*they absolutely had it with the annual double-digit sewer tax increases and the cumulative triple-digit sewer tax increase since 2001*". The letter asks for immediate attention and priority to provide them with present and future tax relief, and be it further

RESOLVED, that the Town Board does hereby receive and file the following Reports listed on the agenda: Chief of Police's Monthly Report for January 2008 & the Town Clerk's Yearly Report for 2007.

The resolution was unanimously adopted.

There being no further business, on motion by Supervisor Travers Murphy, seconded by Councilman Dietrick, to wit: the meeting was adjourned at 8:14 PM (local time).

Respectfully Submitted,



Janis Colarusso
Town Clerk

