

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 16<sup>th</sup> day of December 2009 at 7:00 PM, the meeting was called to order by the Supervisor and there were:

<b>PRESENT AT ROLL CALL:</b>	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
	Andrew Benz	Chief of Police-arrived 7:45pm
	Frederick Piasecki, Jr.	Highway Superintendent
	Wayne Bieler	Town Engineer

**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 DIETRICK, TO WIT:

**RESOLVED**, that the Town Board Meeting Minutes dated December 2, 2009 and Special Meeting Minutes dated December 2 and December 9, 2009 and Executive Session dated December 9, 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.**

**PUBLIC INFORMATIONAL MEETINGS**

Supervisor Travers Murphy opened the informational meeting for a Dangerous & Unsafe Structure located at 21 Dorchester, Orchard Park.

Building Inspector Andrew Geist stated that the house at 21 Dorchester is a small cottage style building that has fallen into a continuous state of neglect and it is so far gone, it would not be worth the time and effort to repair it. The only solution is to demolish it. The house is currently vacant.

Steve Hovey - stated that his father was the original owner, who gave his friend a life interest in the house, and the house was left to his niece. They were totally unaware how bad the house was, and are now currently trying to contact the Windom Fire Company to see if the Fire Company would use the structure for a controlled fire exercise.

Town Attorney Leonard Berkowitz said that the Board should adopt a resolution authorizing the Building Inspector to seek bids to remove the structure from the premises, and then he can work these people based on his experience.

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

**WHEREAS**, the Supervising Building Inspector Andrew Geist, has submitted to the Town Board a report Pursuant to Chapter 47 of the Town of Orchard Park Code of Ordinances, in the matter of the building at 21 Dorchester, in the Town of Orchard Park.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the Building Inspector to seek bids to demolish and remove the building from the premises at 21 Dorchester in the Town of Orchard Park, and be it further

**RESOLVED**, the cost of said demolition and removal shall be billed to the property and placed upon the tax roll.

**The resolution was unanimously adopted.**

Supervisor Travers Murphy opened the informational meeting for a Dangerous & Unsafe Structure located at 5750 Lake Avenue, Orchard Park.

Building Inspector Andrew Geist stated that the garage and shed at 5750 Lake Avenue have fallen into a state of total disrepair. It is now beyond the point where it can be repaired.

Brien Krzeminski – Mr. Krzeminski used to live at the house at 5750 Lake Avenue, but is now going through a divorce and his wife still lives there. He has a contractor coming in next week to tear the structures down.

Town Attorney Leonard Berkowitz said that the Board should adopt a resolution authorizing the Building Inspector to seek bids to remove the structure from the premises, and then he can work these people based on his experience.

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

**WHEREAS**, the Supervising Building Inspector Andrew Geist, has submitted to the Town Board a report Pursuant to Chapter 47 of the Town of Orchard Park Code of Ordinances, in the matter of the buildings at 5750 Lake Avenue, in the Town of Orchard Park.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town of Orchard Park Town Board does hereby authorize the Building Inspector to seek bids to demolish and remove the building from the premises at 5750 Lake Avenue in the Town of Orchard Park, and be it further

**RESOLVED**, the cost of said demolition and removal shall be billed to the property and placed upon the tax roll.

**The resolution was unanimously adopted.**

**Old Business #1 Approve Change Order to contract with Peter J. Smith Co/Brush Mountain Plan**

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

**WHEREAS**, all work required by the Committee for the Brush Mountain Park Master Plan has been completed. The Town received the Final Master Plan Report which addressed the final technical review comments sent to Peter J. Smith & Company, Inc. on September 21, 2009, and

**WHEREAS**, listed below are the items that the Town received from P.J. Smith:

- Digital Graphic Files suitable for use on websites
- Final Copy – Site Master Plan (mounted, color hard copy, Auto-cad file)
- Aerial Perspective of Site (digital file)
- Final Copies – Architectural Plan and Elevations (mounted, color hard copy. Auto-cad file)
- Final Copies – Architectural Perspectives (hard copy and digital file)
- Hard Copy of the Final Master Plan
- Promotional PowerPoint Slide Show, and

**WHEREAS**, listed below are the items that the Brush Mountain Master Plan Committee has determined are not required to finalize the Master Plan. P.J. Smith has agreed to the items listed and has reduced the contract amount by \$1,320.00 resulting in a final contract amount of \$106,120.00.

- Public Meeting Presentation
- Summary of Public Meeting Results
- Summary Report
- Presentation to the Town Board, and

**WHEREAS**, with the completion of the Brush Mountain Park Master Plan, the Town can move forward implementing the local stormwater improvements, earth balancing/wetland mitigation and any future utility components of the plan, and

**WHEREAS**, the first component for construction will be the retention stormwater quantity & quality control ponds and site earth balancing for wetland mitigation. Wetland mitigation has to be completed within three years of NYSDEC wetland delineation. The earth balancing work will include all mitigation areas, two multipurpose fields, earthen building pads/parking lots or temporary fields, and the main entrance as fill availability permits. As funding permits, the Town can start the various building components of Phase One of the Master Plan, and

**WHEREAS**, a RFQ was sent out and the committee selected Wendel Duchscherer for final building design but, due to funding, was put on hold. As directed, the Orchard Park Engineering Department and Highway Department will continue with site design and construction work as time permits; but in order to be ready for grant opportunities in the future, the entire site building design work should be completed by the consultant.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby approve the final change order and final payment to our contract with P. J. Smith & Company for Brush Mountain Park Master Plan Project, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**Old Business #2 Approve Final Change Order Release of Retention with Birch Grove Landscaping**

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

**WHEREAS**, the construction of the Chestnut Ridge Village Park Improvements to Existing Trails project has been completed. 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 \$230,820.39 has been submitted along with the Affidavit of Release of Liens, Affidavit of Payment of Debts and Claims, and necessary legal documents, and

**WHEREAS**, the Over/Under sheet lists the final adjustments to the quantities for each bid item and shows there was a net decrease of \$55,811.61. This represents a decrease of 19.50% from the Bid Contract amount (\$286,632.00) which included the Alternate Boardwalk and 5' Wide Pedestrian Stone Trail. This resulted in a final total contract amount for the project of \$230,820.39.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby approve the Final Change Order and authorize release of retention for the Chestnut Ridge Village Park Improvements to Existing Trails to Birch Grove Landscaping & Nursery, Inc., P.O. Box 117, East Aurora, New York 14052 in the amount of \$11,683.52, and authorize the Town Clerk to release the performance security in the amount of \$269,882.00, as recommended by the Town Engineer

**The resolution was unanimously adopted.**

**New Business #1 Elected and Appointed Retirees Health Benefit plan – Change in Coverage**

**This Item was Tabled.**

**New Business #2 Non-Union Employees Health Benefits Plan – change in coverage**

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 move 27 non-union active Town employees from the Health Coverage Plan POS 201 to a POS 203 Plan effective January 1, 2010.

**The resolution was unanimously adopted.**

**New Business #3 2861 Southwestern Blvd. Steven Schneckenberger, request to rezone property**

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

**WHEREAS**, Steven Schneckenberger 2861 Southwestern Blvd, Zoned B-2 & R-3, has requested rezoning of the R-3 parcel to B-2 in order to construct a 99-ft. x 60-ft. building to be used for the storage of equipment and a small office in one portion of the building.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby set a Public Hearing for January 20, 2010 at 7:00 pm in the matter of an amendment to the Zoning Ordinance, which would read as follows: to rezone property at 2861 Southwestern Blvd. Zoned R-3 to B-2, 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.**

**New Business #4 Authorize Highway Superintendent to purchase equipment**

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

**RESOLVED**, that the Town Board is hereby authorized to approve the request of the Highway Superintendent to purchase three (3) new Ford Pickup Trucks totaling \$66,000.00 and one (1) new one-ton Ford Dump Truck totaling \$38,000.00 from the State Bid contract and the money is in the budget.

**The resolution was unanimously adopted.**

**New Business #5 Authorize Highway Superintendent to purchase equipment**

9) 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 approve the request of the Highway Superintendent to purchase one (1) new 2010 International truck, the cost of this new truck, cab and chassis is \$79,892.95 under the New York Bid Contract, the money is in the budget

**The following resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

Lou Boehm – Mr. Boehm stated his appreciation for Mary Travers Murphy’s public service as Town Supervisor and said she was a credit to herself and the Town of Orchard Park. Best Wishes.

Barbara Little – Ms. Little thanked Supervisor Murphy for her time, commitment and what she was able to accomplish and wished her the best in her next endeavor. Ms. Little also wished Janis Colarusso best wishes as Supervisor.

Kathryn Gorkowicz – Ms. Gorkiewicz thanked Supervisor Murphy for her dedication to the people of Orchard Park, and her openness & willingness to listen to the people. She also stated that she saw a Target shopping cart at the intersection of Abbott Rd. and Hillside, which is more that 1 ½ miles from the store. This site is designated as a bus stop. Busses and pedestrian friendly facilities need to be placed in the Quaker Crossing Plaza.

Jane Shumaker – Ms. Shumaker thanked Supervisor Travers Murphy for serving with style and grace, being trustworthy, believable and honorable. She appreciated that Supervisor Travers Murphy truly served the Town and its people in a professional and open manner. To the leadership that follows, it is time to lead with listening to the people, for the people, not to special interests.

Dave Schuster – Mr. Schuster stated that Supervisor Travers Murphy always conducted herself with style and a smile, her door was always open, everything was explained and she always had an ear to listen. She will be missed.

Ron Stadelmaier – Mr. Stadelmaier thanked Supervisor Travers Murphy for the last four years of service to the Town. He appreciated her ability to listen to the residents and said her energy was contagious. He wished her success in the future.

John Sawicz – Mr. Sawicz thanked Supervisor Travers Murphy for all her efforts on behalf of the people of Orchard Park and for being so open minded. He wished her the best of luck. Mr. Sawicz also talked about Walmart and the People Inc. application for a rezoning for Senior Housing.

Ed Flynn – Mr. Flynn thanked Supervisor Travers Murphy for her service and wished her well in the future.

Howie Holmes – Mr. Holmes thanked Supervisor Travers Murphy and Councilman Dietrick for their service to the Town and hopes they will both stay involved in the Town affairs.

**ELECTED OFFICIALS & DEPARTMENT HEADS**

**10) 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:

\$ 229.09	From: A.3120.225	Police Other Equipment
	To: A.3120.449	Police Small Equipment Repairs
\$ 279.98	From: A.4230.336	Police – Other Equipment
	To: A.3120.443	Police – Equipment Repairs
\$ 19,000.00	From: DA.5110.472	Highway – Stone, Gravel
	To: DA.5130.419	Highway – Machinery, other equipment
\$ 4,200.00	From: DA.5110.0420	Highway – Telephones
	To: DA.5142.402	Highway – Snow Supplies

**The resolution was unanimously adopted.**

Councilwoman Ackerman stated that the Jolls House will be open this weekend to celebrate the Holidays and she wished everyone “Happy Holidays”.

Councilman Graber thanked Supervisor Travers Murphy and Councilman Dietrick for the two years he has worked with them and he congratulated Janis Colarusso and Carol Hutton.

Councilman Kaczor wished Supervisor Travers Murphy well in her next endeavor and thanked her for all they learned together. He said he would miss Councilman Dietrick and stated he was instrumental in so many good things and was a very outspoken advocate of the tax payers.

Councilman Dietrick said he wanted to thank all the people of the Town of Orchard Park, in Town Government and Village Government, who have supported him in his efforts to maintain and improve the Town. He wanted to thank the many Town Community Groups, the Department Heads and employees who are sincerely dedicated to providing the highest degree of service to the residents. He thanked the Republican and Conservative parties in Orchard Park for their confidence in him, his company and his family and good friends for their support.

Town Clerk Colarusso said that she has learned a lot from Supervisor Travers Murphy and Councilman Dietrick and thanked them for their service to the Town. She also wished to thank all the people who voted for her and have wished her well in taking over as Supervisor. She thanked the Department Heads and Elected Officials for helping her over the past sixteen years.

Highway Superintendent Piasecki stated that the check for the C.H.I.P.S. fund has arrived in the amount of \$121,179.79.

11) 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 #24 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$71,289.93
Part Town Fund	\$1,164.36
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$54,956.81
Special Districts	\$128,186.45
Trust & Agency	\$1,157.36
Capital Fund	\$37,226.07

The resolution was unanimously adopted.

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

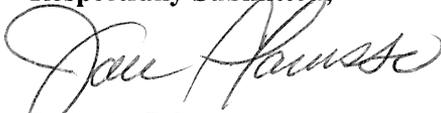
RESOLVED, that the Town Board does hereby receive and file the following reports:

- Building Inspectors Report and Building Permits for November.

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 7:40 PM (local time).

Respectfully Submitted,



Janis A. Colarusso  
Town Clerk

