

A Regular Meeting of the Town Board of the Town of Orchard Park, Erie County, New York was held at the Municipal Building at Orchard Park, New York on the 15th day of July, 1987 at 8:00 P.M. EDT and there were

PRESENT AT ROLL CALL:

E. B. Woodard	Supervisor
D. J. Mill	Councilman
D. P. Curley	Councilman
J. J. Mills	Councilman
June E. Cooper	Deputy Town Clerk
L. Berkowitz	Town Attorney
R. W. Sweet	Building Inspector
R. C. Henning	Police Chief
R. A. Geitter	Supt. of Highways
M. R. Merritt	Town Engineer

ABSENT:

J. J. Diggins	Councilman - illness
Betty K. Reukauf	Town Clerk - illness

The meeting was called to order by the Supervisor, and the Pledge of Allegiance was rendered.

Old Business #2 - Peter Bruin, Taylor Rd. - Storage/Rental Complex.

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

RESOLVED that the Town Board be and is hereby authorized to approve the request from Peter Bruin, 4154 Taylor Road, for a building permit for a Storage/Rental Complex as recommended by the Planning Board 7/8/87, and be it further

RESOLVED the Town Board does declare a Negative SEQRA Declaration as recommended by the Planning Board.

	Aye	Nay
E. B. Woodard	x	
J. J. Diggins	absent	
D. J. Mill	x	
D. P. Curley	x	
J. J. Mills	x	

THE RESOLUTION WAS DULY ADOPTED.

Old Business #3 - Taylor-Pohlman, California Rd. - 3,100 sq.ft. office addition.

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

RESOLVED that the Town Board be and is hereby authorized to approve the request from Taylot-Pohlman, Inc., 3925 California Road for a building permit for a 3,100 sq.ft. office addition pending submission of a revised parking plan as recommended by the Planning Board 7/8/87, and be it further

RESOLVED the Town Board does declare a Negative SEQRA Declaration as recommended by the Planning Board.

	Aye	Nay
E. B. Woodard	x	
J. J. Diggins	absent	
D. J. Mill	x	
D. P. Curley	x	
J. J. Mills	x	

THE RESOLUTION WAS DULY ADOPTED.

PUBLIC HEARING

At 8:05 P.M. EDT, the advertised time, the Supervisor called for the Public Hearing to hear all interested parties and citizens for or against the adoption of an amendment to the Zoning Ordinance of the Town of Orchard Park, which amendment provides as follows:

To rezone vacant land south of 5285 Chestnut Ridge Road from R-3 to R-3 Special Exception Use as a Medical Building as petitioned by Eastwood Associates.

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. The affidavit is entered into and attached to these minutes.

PROPOSERS

Richard L. Marcklinger, representing Eastwood Associates

OPPOSERS

No one spoke.

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

RESOLVED that the Public Hearing in the matter of the Eastwood Associates petition to rezone vacant land south of 5285 Chestnut Ridge Road be and is hereby closed at 8:09 P.M. EDT.

	Aye	Nay
E. B. Woodard	x	
J. J. Diggins	absent	
D. J. Mill	x	
D. P. Curley	x	
J. J. Mills	x	

THE RESOLUTION WAS DULY ADOPTED.

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

WHEREAS, following due and timely notice, a public hearing relating to the matter of an amendment to the Zoning Ordinance of the Town of Orchard Park, which amendment provides as follows:

to rezone vacant land south of 5285 Chestnut Ridge Road from R-3 to R-3 Special Exception Use as a Medical Office Building as petitioned by Eastwood Associates

was conducted at the Municipal Building, S4295 South Buffalo Street, Orchard Park, New York on the 15th day of July, 1987 at which all interested parties were given an opportunity to be heard, and

WHEREAS, "No Recommendation" from the Erie County Department of Planning, pursuant to Section 239-m of the General Municipal Law was received and filed by the Town Board, and

WHEREAS, approval from the Town of Orchard Park Planning Board was received and filed with the Town Board, and

WHEREAS, the Town Board did declare a Negative SEQRA Declaration

NOW, THEREFORE, be it

RESOLVED AND ORDAINED, that the Zoning Ordinance and the Zoning Map of the Town of Orchard Park be and are hereby amended by rezoning from R-3 to R-3 Special Exception Use all tract or parcel of land bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Orchard Park, County of Erie and State of New York, being part of Lots Nos. 12 and 13, Township 9, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the intersection of the original center line of Chestnut Ridge Road with the south line of said Lot No. 13, which is also the north line of said Lot No. 12; thence easterly along the south line of said Lot No. 13 and the north line of said Lot No. 12, 300 feet to a point; thence southerly at an exterior angle with the last described line measured from the west to the south of 90° 30', 104.94 feet to a point; thence easterly parallel with the north line of said Lot No. 12, 210 feet to a point; thence northerly at right angles to the last described line, 435 feet, more or less, to the north line of lands conveyed to Eastwood Associates & Professional Enterprises, Inc. by Deed recorded in Liber 9077 of Deeds at page 320; thence westerly along the north line of said lands conveyed to Eastwood Associates &

Professional Enterprises, Inc. by Deed aforesaid, 525.25 feet, more or less, to a point on the original center line of Chestnut Ridge Road; thence southerly along said original center line of Chestnut Ridge Road, 322.87 feet to the point or place of beginning.

EXCEPTING THEREFROM that part lying within the original boundary lines of Chestnut Ridge Road and also that part taken by the State of New York for the widening of Chestnut Ridge Road by Notices of Appropriation recorded in Liber 6920 of Deeds at page 553 and Liber 6940 of Deeds at page 403.

This Ordinance shall take effect immediately in accordance with law.

	Aye	Nay
E. B. Woodard	x	
J. J. Diggins	absent	
D. J. Mill	x	
D. P. Curley	x	
J. J. Mills	x	

THE RESOLUTION WAS DULY ADOPTED.

Old Business #1 - Eastwood Assoc., Chestnut Ridge Rd. - Medical Office Building Permit.

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

RESOLVED that the Town Board be and is hereby authorized to refer to the Planning Board the request from Eastwood Associates for a building permit in an R-3 Special Exception Use Zone on vacant land south of 5285 Chestnut Ridge Road.

Before the vote was taken a long discussion was held by members of the Town Board and with representatives of Eastwood Associates in the matter of necessary papers not received for review by the Town Engineer, etc.

At this point Councilman Mills withdrew his motion and Councilman Curley withdrew his second.

6) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN MILL, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR WOODARD, TO WIT:

RESOLVED that the Town Board be and is hereby authorized to grant the building permit for a proposed Medical Office Building as petitioned by Eastwood Associates on vacant land south of 5285 Chestnut Ridge Road pending Town Engineer's approval, as recommended by the Planning Board 7/8/87.

	Aye	Nay
E. B. Woodard	x	
J. J. Diggins	absent	
D. J. Mill	x	
D. P. Curley		x
J. J. Mills		x

THE RESOLUTION WAS NOT ADOPTED.

Old Business #4 - Triton Valley Estates - Rezone O.P. Airport Property for Mobil Homes.

Whereas the Town of Orchard Park Zoning Ordinance does not have a section relating to Mobil Home Districts, and

Whereas the Planning Board has no recommendation in the request from Triton Valley Estates for property use as a Mobil Home District, and

Whereas in 1985 a Public Hearing was held in the matter of a proposed Mobile Home Neighborhood District, the Supervisor appointed the Town Board as a Committee to review all pertinent matters in this property request before making any decisions.

Old Business #5 - Mobil Gas Station, Orchard Park Rd. - Special Exception Use - Car Wash.

7) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN CURLEY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MILL, TO WIT:

RESOLVED that the Town Board be and is hereby authorized to schedule a Public Hearing, as recommended by the Planning Board 7/8/87, on August 5, 1987 at 8:05 P.M. EDT in the matter of the rezoning on property located at 3225 Orchard Park Road from B-2 to B-2

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Special Exception Use to construct a car wash as petitioned by Mobil Oil Corp., and be it further

RESOLVED that the Town Board does declare a Negative SEQRA Declaration.

	Aye	Nay
E. B. Woodard	x	
J. J. Diggins	absent	
D. J. Mill	x	
D. P. Curley	x	
J. J. Mills	x	

THE RESOLUTION WAS DULY ADOPTED.

Old Business #6 - Niagara Frontier Sheetmetal, Benzing Rd. - 3,600 sq.ft. addition.

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

RESOLVED that the Town Board be and is hereby authorized to approve the request from Niagara Frontier Sheetmetal, Inc., 3310 Benzing Road for a building permit for a 3,600 sq. ft. addition as recommended by the Planning Board 7/8/87, and be it further

RESOLVED the Town Board does declare a Negative SEQRA Declaration as recommended by the Planning Board.

	Aye	Nay
E. B. Woodard	x	
J. J. Diggins	absent	
D. J. Mill	x	
D. P. Curley	x	
J. J. Mills	x	

THE RESOLUTION WAS DULY ADOPTED.

Old Business #7 - Rolonco, Inc., Webster Rd. - Rezoning to R3 Special Exception Use.

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

WHEREAS, following due and timely notice, a Public Hearing relating to the matter of an amendment to the Zoning Ordinance of the Town of Orchard Park, which amendment provides as follows:

to rezone from R-3 to R-3 Special Exception Use approximately 15 acres of land located on the south side of Webster Road, east of Errington Terrace as petitioned by Rolonco, Inc., 9351 Clarence Center Road, Clarence, N.Y. for the purpose of construction of Townhouses

was conducted at the Municipal Building, S4295 South Buffalo Street, Orchard Park, New York on the 6th day of May, 1987 at which all interested parties were given an opportunity to be heard, and

WHEREAS, "No Recommendation" from the Erie County Department of Planning, pursuant to Section 239-m of the General Municipal Law was received and filed by the Town Board, and

WHEREAS, approval from the Town of Orchard Park Planning Board was received and filed with the Town Board, and

WHEREAS, the Town Board did declare a Negative SEQRA Declaration

NOW, THEREFORE, be it

RESOLVED AND ORDAINED that the Zoning Ordinance and the Zoning Map of the Town of Orchard Park be and are hereby amended by rezoning from R-3 to R-3 Special Exception Use all tract or parcel of land bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Orchard Park, County of Erie and State of New York, being part of Lot No. 24, Township 9, Range 7 of the Holland Land Company's Survey bounded and described as follows:

BEGINNING at a point in the center line of Webster Road at the northeast corner of lands conveyed to Floyd G. Farr and Anna M. Farr, his wife, by Deed recorded in the Erie County Clerk's Office in Liber 4040 of Deeds at page 470; thence southerly along the east line of said lands a distance of 1144.50 feet more or less to the southeast corner thereof, said point being in the north line of lands conveyed to Anthony Scamurra by Deed recorded in Liber 6024 of Deeds at page 278; thence westerly along the south line of lands conveyed to Farr aforesaid and also the north line of lands conveyed to Scamurra aforesaid a distance of 645.50 feet; thence northerly at an interior angle of 89° 44' 15" and along the east line of Map Cover No. 1866 a distance of 869.51 feet to a point distant 275 feet southerly from the center line of Webster Road; thence easterly parallel with the center line of Webster Road 250 feet; thence northerly 275 feet to the center line of Webster Road at a point therein distant 391.90 feet westerly from the point of beginning; thence easterly along the center line of Webster Road 391.90 feet to the point or place of beginning.

EXCEPTING therefrom lands lying within the bounds of Webster Road.

This Ordinance shall take effect immediately in accordance with law.

	Aye	Nay
E. B. Woodard	x	
J. J. Diggins	absent	
D. J. Mill	x	
D. P. Curley	x	
J. J. Mills	x	

THE RESOLUTION WAS DULY ADOPTED.

Old Business #8 - "D - R" Development and Research District.

10) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN CURLEY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MILL, TO WIT:

WHEREAS, following due and timely notice, a Public Hearing relating to the matter of an amendment to the zoning Ordinance of the Town of Orchard Park, which amendment provides amending Sections 144-9, 144-6, 144-29A(3), 144-29A(5), 144-38, 144-44 was conducted at the Municipal Building, S-4295 South Buffalo Street, Orchard Park, New York on the 1st day of July, 1987 at which all interested parties were given an opportunity to be heard, and

WHEREAS, "No Recommendation" from the Erie County Department of Planning, pursuant to Section 239-m of the General Municipal Law was received and filed by the Town Board, and

WHEREAS, approval from the Town of Orchard Park Planning Board was received and filed with the Town Board, and

WHEREAS, the Town Board did Declare a Negative SEQRA Declaration

NOW, THEREFORE, be it

RESOLVED AND ORDAINED that the Zoning Ordinance of the Town of Orchard Park be and is hereby amended as follows:

Amend Section 144-8 Schedules of regulations, to include the following:

PERMITTED PRINCIPAL USES

Any structure and/or use permitted in the B-2 Commercial District, or uses engaged primarily in Development and Research activities including:

Development and Research facilities; experimental research and testing facilities including but not limited to the construction and operation of small scale experimental and pilot plant operations, production operations if ancillary to or resulting from a permitted experimental research or testing operation.

Communication, navigation, control, transmission, and reception equipment.

Controls equipment and guidance systems.

Data processing equipment and systems.

Audio components, radio and television equipment.

Scientific and medical instruments.

Microfilming and record preparation.

Assembly, testing and calibration of components, devices, systems and electronic scientific, medical optical, biochemical, chemical, metallurgical, and pharmaceutical

Compounding, manufacturing and assembly of:

a. Electrical and electronic equipment and appliances.

b. Musical, scientific, medical dental and photographic instruments, equipment and supplies.

Printing, publishing and engraving.

Warehousing and distributions.

Accessories, structures and uses.

Retail sale or products manufactured, compounded or assembled or stored on the premises occupying not more than 15 percent of the gross floor area of the principle structures.

PERMITTED ACCESSORY USES

Conference center serving a Development and Research District.

Off street parking signs.
Other accessory uses customarily incidental to the principle use.
Outdoor storage as approved by the Planning Board with adequate screening.

SCHEDULE OF HEIGHT, LOT, YARD AND BULK REGULATIONS:

	D-R Development & Research 1 Acre
Area	
Minimum Lot Dimensions	— — — —
Area Dwelling Units (Sq. feet)	
Width (feet)	100
Depth (feet)	— — — —
Front (feet)	50
Side (feet)	20
Rear feet	20
Rear for Accessory Buildings (feet)	— — — —
Minimum Habital Floor Area	(see separate schedule)
Maximum Height of Buildings (stories, feet)	35
Maximum Height Accessory Areas (feet)	35
Maximum Lot Coverage (percent)	40

144-8 to include D-R Development and Research.
144-29A(3) - required off-street parking in D-R. Same as Industrial.
144-29A(5) - vehicle parking areas in D-R Development and Research as approved by Planning Board.
144-38 - include D-R.
144-44 - include D-R.

This Ordinance shall take effect ten (10) days after publication and posting in accordance with law, and be it further

RESOLVED that the Town Clerk publish and post a copy of said amenriment in accordance with Sections 264 and 265 of the Town Law.

	Aye	Nay
E. B. Woodard	x	
J. J. Diggins	absent	
D. J. Mill	x	
D. P. Curley	x	
J. J. Mills		x

THE RESOLUTION WAS DULY ADOPTED.

Old Business #9 - St John Vianney R.C.Church, Southwestern - new Church Building.

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

RESOLVED that the Town Board be and is hereby authorized to approve the request for a building permit to erect a new church building on site with existing parish as petitioned by St. John Vianney Roman Catholic Church, 2950 Southwestern Blvd., as recommended by the Planning Board 5/13/87, and be it further

RESOLVED the Town Board does declare a Negative SEQRA Declaration as recommended by the Planning Board.

	Aye	Nay
E. B. Woodard	x	
J. J. Diggins	absent	
D. J. Mill	x	
D. P. Curley	x	
J. J. Mills	x	

THE RESOLUTION WAS DULY ADOPTED.

New Business #1 - Henry Warning, 6961 Milestrip Rd. - Renewal of Excavation Permit.

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

RESOLVED that the Town Board be and is hereby authorized to approve the application for the renewal of Excavation Permit #1-1987, Henry W. Warning, 6961 Milestrip Road pending proper drainage of the ponding area in the northeast section of the gravel pit and with the following stipulations as recommended by the Town Engineer:

1. the working hours shall be strictly enforced
2. mufflers shall be installed on all hi-lifts
3. dust and noise shall be kept to a minimum

and be it further

RESOLVED the Building Inspector be and is hereby directed to enforce the Zoning Ordinance provisions and the stipulations in this matter.

	Aye	Nay
E. B. Woodard	x	
J. J. Diggins	absent	
D. J. Mill	x	
D. P. Curley	x	
J. J. Mills	x	

THE RESOLUTION WAS DULY ADOPTED.

New Business #2 - Richard Maul, 3735 Baker Rd. - Renewal of Excavation Permit.

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

RESOLVED that the Town Board be and is hereby authorized to approve the application for the renewal of Excavation Permit #2-1987, Richard A. Maul, 3735 Baker Road as recommended by the Town Engineer.

	Aye	Nay
E. B. Woodard	x	
J. J. Diggins	absent	
D. J. Mill	x	
D. P. Curley	x	
J. J. Mills	x	

THE RESOLUTION WAS DULY ADOPTED.

New Business #3 - N.Y.S.E.G. - Street Light Proposal - Minden Drive.

No action was taken as New York State Electric & Gas did not recommend the installation of a light on Minden Drive as there are five (5) lights in the area now and the Supervisor stated he had notified Mr. Morgan of this decision.

New Business #4 - P.I.P. #179 - Robert Braun, Braunview Subdivision.

14) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN MILL, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN CURLEY, TO WIT:

RESOLVED that the Town Board be and is hereby authorized to approve the application for P.I.P. #179, Robert Braun Watchill Development, Braunview Subdivision, Phase I, RT 20A pending proper filing of the Map Cover, and be it further

RESOLVED the Recreation Fees for said subdivision shall be in the amount of Seven Thousand Four Hundred twenty-five (\$7,425.00) Dollars for 27 sub lots with deposit of property securities for recreation. Fees for balance of lots in said subdivision to be paid at time of issuance of future P.I.P.s as recommended by the Town Attorney.

	Aye	Nay
E. B. Woodard	x	
J. J. Diggins	absent	
D. J. Mill	x	
D. P. Curley	x	
J. J. Mills	x	

THE RESOLUTION WAS DULY ADOPTED.

(14c) See page 11

15) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR WOODARD, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MILLS, TO WIT:

RESOLVED that the Town Board be and is hereby authorized to approve the appointment of David Yox, as Assistant Building Inspector, provisional, effective 8/3/87 as recommended by the Building Inspector.

	Aye	Nay
E. B. Woodard	x	
J. J. Diggins	absent	
D. J. Mill	x	
D. P. Curley		x
J. J. Mills	x	

THE RESOLUTION WAS DULY ADOPTED.

16) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN MILL, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR WOODARD, TO WIT:

RESOLVED that the Town Board be and is hereby authorized to approve the following ap-
pointments to the Summer Recreation Staff as recommended by the Recreation Director:

Dereck Nowicki	6 Locust Drive	Aide	\$3.35/HR
Victor Maestas	136 Forest Drive	Sub. Aide	\$3.35/HR
James Higgins	6128 Powers Road	Aide	\$3.35/HR

	Aye	Nay
E. B. Woodard	x	
J. J. Diggins	absent	
D. J. Mill	x	
D. P. Curley	x	
J. J. Mills	x	

THE RESOLUTION WAS DULY ADOPTED.

Councilman Mill updated the public on the proposed acquisition of the Post Office property by the Town of Orchard Park including the process that must be followed to receive approval of transfer of post office property to our town and also the need to continue the efforts to have all the residents of the Town of Orchard Park to become part of the 14127 zip code.

Councilman Curley stated he has been in touch with our New York State Representative Keane and Stachowski requesting their help to hasten the required process necessary before the Town can become owners of the Post Office property.

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

RESOLVED that the Town Board be and is hereby authorized to adopt the Final Order Establishing Water District #21 located in the Dorst Drive area following approval from Audit & Control dated July 10, 1987, and be it further

RESOLVED as copy of this Final Order is attached to these minutes.

The question of the adoption of the forgoing resolution was duly put on roll call, which resulted as follows:

E. B. Woodard	voting aye
J. J. Diggins	absent
D. J. Mill	voting aye
D. P. Curley	voting aye
J. J. Mills	voting aye

THE RESOLUTION WAS DULY ADOPTED.

18) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR WOODARD, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MILL, TO WIT:

RESOLVED that the Town Board be and is hereby authorized to adopt the Bond Resolution appropriating \$25,000.00 for the establishment of Water District #21 in the Town of Orchard Park and the construction of facilities therein, and be it further

RESOLVED a copy of this Bond Resolution is attached to these minutes.

The question of the adoption of the foregoing resolution was duly put on roll call, which resulted as follows:

E. B. Woodard	voting aye
J. J. Diggins	absent
D. J. Mill	voting aye
D. P. Curley	voting aye
J. J. Mills	voting aye

THE RESOLUTION WAS DULY ADOPTED.

19) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN MILL, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR WOODARD, TO WIT:

RESOLVED that the Town Board be and is hereby authorized to schedule a Bid Opening on August 17, 1987 at 11:00 A.M. EDT in the Town Board Meeting Room for construction of approximately 560 LF of 8" PVC waterline along Dorst Drive in Orchard Park Water District #21 as recommended by the Town Engineer.

	Aye	Nay
E. B. Woodard	x	
J. J. Diggins	absent	
D. J. Mill	x	
D. P. Curley	x	
J. J. Mills	x	

THE RESOLUTION WAS DULY ADOPTED.

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

RESOLVED that the Town Board be and is hereby authorized to direct the Supervisor to sign the Agreement with DiDonato Associates, 443 Delaware Ave., Buffalo, N.Y. which provides for Consultant on site Inspection Services on P.I.P. #179 Braunview Estates Subdivision Phase I at a billing rate of between \$30 and \$35/HR.

	Aye	Nay
E. B. Woodard	x	
J. J. Diggins	absent	
D. J. Mill	x	
D. P. Curley	x	
J. J. Mills	x	

THE RESOLUTION WAS DULY ADOPTED.

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

RESOLVED that the Town Board be and is hereby authorized to approve Change Order #2 for the Jewett Holmwood Road Waterline Relocation, Orchard Park Water District #15, to Firstrhyme Construction Corp., 3517 Genesee Street, Buffalo N.Y. at an increase of Two Thousand Eight Hundred thirty-eight (\$2,838.00) Dollars as recommended by the Town Engineer,

	Aye	Nay
E. B. Woodard	x	
J. J. Diggins	absent	
D. J. Mill	x	
D. P. Curley	x	
J. J. Mills	x	

THE RESOLUTION WAS DULY ADOPTED.

22) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR WOODARD, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MILL, TO WIT:

RESOLVED that the Town Board be and is hereby authorized to approve all entries on Warrant #13, following auditing by members of the Town Board and in the funds indicated:

	<u>WARRANT #13</u>
GENERAL FUND	\$143,378.10
PART TOWN FUND	3,219.87
HIGHWAY FUND	90,981.79
SPECIAL DISTRICTS FUND	91,177.88
TRUST & AGENCY	16,662.80
DEBT SERVICE FUND	16,450.00
O.P./HAMBURG JOINT WATER	2,457.44

	Aye	Nay
E. B. Woodard	x	
J. J. Diggins	absent	
D. J. Mill	x	
D. P. Curley	x	
J. J. Mills	x	

THE RESOLUTION WAS DULY ADOPTED.

23) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN CURLEY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MILL, TO WIT:

RESOLVED that the Town Board be and is hereby authorized to receive and file all communication as entered on the agenda:

1. N.Y.S.D.O.T. - Designation of Restricted Highway, portion of Willardshire, Elma. Detour in Orchard Park on Transit Road between Milestrip Road and Rte. 20A.
2. Town of Lancaster - Copy of adopted resolution requesting E.C. Legislators to:
 - 1] request N.Y.S. Legislature to amend E.C. Tax Act.
 - 2] amend E.C. Tax Act
3. N.Y.S.D.O.T. Real Property Div.- Notice of appropriation of Property: Rte. 20A;
 - 1] Map #75, Parcel #89
 - 2] Map #76, Parcel #90
4. Little League of Orchard Park, Inc. - Concerns regarding future ownership of property on Thorn Ave. diamonds area.
5. E.C. Legislature - Notice of Public Hearing - Elma Agriculture District.
6. Letter from Buffalo Bills.

	Aye	Nay
E. B. Woodard	x	
J. J. Diggins	absent	
D. J. Mill	x	
D. P. Curley	x	
J. J. Mills	x	

THE RESOLUTION WAS DULY ADOPTED.

24) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN CURLEY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MILL, TO WIT:

RESOLVED that the Town Board be and is hereby authorized to receive and file the Building Inspector's Monthly Report for June 1987 and Building Permits for the month of June 1987.

	Aye	Nay
E. B. Woodard	x	
J. J. Diggins	absent	
D. J. Mill	x	
D. P. Curley	x	
J. J. Mills	x	

THE RESOLUTION WAS DULY ADOPTED.

Town Engineer Michael Merritt voiced his great concern on how incomplete items are being handles at the Planning Board and referred back to the Town Board before the Engineer has had an opportunity to view the plans or necessary papers. It causes an inconvenience for everyone - town departments and the petitioners. He strongly suggested that the Town Board consider hiring a person to be liaison between all departments concerned in these matters.

Supervisor Woodard reported he has spoken with the Attorney who represents the owners of the vacant propeorty located at 6042 Emerson Drive which has been filled with debris and garbage and the problem shall be solved either by the owners or by the Town of Orchard Park.

BUSINESS FROM THE FLOOR

Gordon Gibson, 3811 Baker Road - 1) Reported dangerous conditions involving speed signs hidden by overgrown tree linbs near the school and the need for sidewalks there, and 2) Requested information about the update of Senior Citizens Tax Exemption. The Supervisor stated the Town Board shall be reviewing the State Legislation in this matter.

There being no further business before the Town Board, the Supervisor adjourned the meeting at 9:12 P.M. EDT.

Respectfully submitted,

Betty K. Reukauf
Betty K. Reukauf
Town Clerk

14a) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR WOODARD, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MILLS, TO WIT:

WHEREAS, the Town of Orchard Park does at the present time, have a position of Assistant Building Inspector, and

WHEREAS, this position is and has been filled by appointment by the Town Board of the Town of Orchard Park

NOW, THEREFORE, be it

RESOLVED that the Town Board be and is hereby authorized to create an additional and/or second position of Assistant Building Inspector.

	Aye	Nay
E. B. Woodard	x	
J. J. Diggins	absent	
D. J. Mill	x	
D. P. Curley	x	
J. J. Mills	x	

THE RESOLUTION WAS DULY ADOPTED.

24) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN CURLEY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MILL, TO WIT:

RESOLVED that the Town Board be and is hereby authorized to receive and file the Building Inspector's Monthly Report for June 1987 and Building Permits for the month of June 1987.

	Aye	Nay
E. B. Woodard	x	
J. J. Diggins	absent	
D. J. Mill	x	
D. P. Curley	x	
J. J. Mills	x	

THE RESOLUTION WAS DULY ADOPTED.

Town Engineer Michael Merritt voiced his great concern on how incomplete items are being handles at the Planning Board and referred back to the Town Board before the Engineer has had an opportunity to view the plans or necessary papers. It causes an inconvenience for everyone - town departments and the petitioners. He strongly suggested that the Town Board consider hiring a person to be liaison between all departments concerned in these matters.

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There being no further business before the Town Board, the Supervisor adjourned the meeting at 9:12 P.M. EDT.

Respectfully submitted,


Betty K. Reukauf
Town Clerk