

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 6th day of May 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
Janis Colarusso	Town Clerk
Leonard Berkowitz	Town Attorney
Andrew Geist	Building Inspector
Andrew Benz	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 April 15, 2009, and Special Meeting Minutes/Executive Session held on April 15, 22, 28, 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.

New Business #1 Appointments to the 2009 Summer “Part-time Seasonal” for the Highway Dept.

2) 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 the following individuals to the 2009 Summer “Part-time Seasonal” for to the Orchard Park Highway Department/Compost, as recommended by the Highway Superintendent:

- Rick Bodhorn at the rate of \$8.50 (PT1E) retroactive to 4/20/09
- Roland Pigeon at the rate of \$7.50 (PT1A) retroactive to 4/27/09

The resolution was unanimously adopted.

New Business #2 Appointment to the Summer Staff to the OP Engineering Department

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

WHEREAS, funds have been allocated in the 2009 budget for seasonal help in the Engineering Department, and

WHEREAS, with the current work load of the Engineering Department, and the experience of two town summer help applicants, James P. Merriman, who is attending Erie Community College and majoring in Civil Engineering Technology, and Katherine A. McCarthy, who is a junior attending Alfred State College and is majoring in Architecture and has completed two years of CADD (drafting) training at ORMSBY Center and has worked for the Engineering Department in 2007 and 2008 and has accepted the challenge of the duties and responsibilities of assignments with enthusiasm

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint to a seasonal position in the Engineering Department for a twelve-week period, James P. Merriman, 1300 Emery Road, East Aurora, NY 14052 at a wage of \$8.00/hour beginning May 26, 2009 and Katherine A. McCarthy, 6978 Scherff Road, Orchard Park, NY 14127 at a wage rate of \$9.00/hour beginning May 18, 2009, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #3 Appointment to the Summer Staff to the OP Sewer, Water & Lighting Dept.

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

WHEREAS, funds have been allocated in the 2009 budget for two seasonal employees in the Sewer, Lighting and Water Department. After advertising in the Orchard Park Bee, only one application has been received by Paul Steinmetz, who will be attending Erie Community College and is majoring in History, and

WHEREAS, Paul has worked for the Sewer, Lighting and Water Department in 2008 and proved to be a hard worker.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint Paul Steinmetz, 6733 Scherff Road, Orchard Park, NY 14127, to a seasonal position in the Sewer, Water & Lighting Department for approximately a ten-week period beginning May 20, 2009 at a wage rate of \$9.00/hour, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #4 (Tabled) Appointments to 2009 Summer Staff for the Recreation Department: Appointment(s) to the Orchard Park Recreation Department requesting to hire the 2009 Summer "Seasonal" Staff, as recommended by the Recreation Director, Ed Leak.

New Business #5 Authorize Supervisor to sign SPDES Permit & Schedule Informational Meeting

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

WHEREAS, per the Federal EPA Environmental Conservation Law, Clean Water Act, and Stormwater Phase II regulations, the Town must submit to the New York State Department Environmental Conservation, a Stormwater Management Program annual report outlining the Town's progress in meeting the Notice of Intent (NOI) goals, and

WHEREAS, the 2008-2009 copy of the draft annual report will be placed in the Town Clerk's Office for public review and comments. A draft copy will also be forwarded to the Town Board, Building Inspector, Highway Superintendent and Town Attorney for review and comments. The Annual Report must be submitted to the NYSDEC each year by June 1st. Included with the report is the Municipal Compliance Certification Form that must be signed by the Supervisor.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the New York State Department of Environmental Conservation SPDES (#NYR20A137) General Permit for Stormwater Discharge from Small Municipal Separate Storm Sewers (MS4's), Permit No. GP-0-08-002, Municipal Compliance Certification and schedule a public informational meeting for Wednesday, May 20, 2009 @ 7:00 PM to receive public comment on the draft Stormwater Phase II annual report.

The resolution was unanimously adopted.

New Business #6 Approve PIP #2009-02 for Walgreens-Sanitary Mainline Relocation

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

WHEREAS, the Engineering Department has received from HDL Property Group, 7053 Manlius Center Road, East Syracuse, New York an application for a Public Improvement Permit to relocate the existing mainline sanitary sewer near the corner of Michael Road and Union Road for the proposed Walgreens at that location, and

WHEREAS, this project will consist of removing 242 L.F. of existing mainline sanitary sewer and one existing manhole and installing 216 L.F. of mainline sanitary sewer and two new manholes to facilitate the construction of a proposed Walgreens near the corner of Michael Road and Union Road, and

WHEREAS, the Engineering Department has reviewed the plans for this proposed project and have found them to be in compliance with current Town Specifications and Standards. The Town is in receipt of all necessary fees, bonds, and insurances.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Public Improvement Permit #2009-02 for Walgreens-Sanitary Mainline Relocation, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #7 Approve PIP #2009-03 for Melant Drive-Watermain Extension Project

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

WHEREAS, the Engineering Department has received from M. Metros Builders General Contractor, 322 South Ogden, Buffalo, New York an application for a Public Improvement Permit to extend the existing watermain along Melant Drive approximately 100 L.F., and

WHEREAS, the Engineering Department has reviewed the plans for this proposed project and have found them to be in compliance with current Town Specifications and Standards. The Town is in receipt of all necessary fees, bonds, and insurances.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Public Improvement Permit #2009-03 for the Melant Drive Watermain Extension Project, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #8 Supervisor to Sign Agreement w/C.J. Brown Energy, PC – Professional Services

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

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA) are offering the New York Energy Smart program, designed to lower electricity costs by encouraging energy efficiency. An Energy Audit can be performed on all of Town owned facilities providing information on each facilities energy use and energy efficiency improvements that are cost effective to implement. There are also reduced rate loans, equipment rebates and other NYSERDA programs that can further reduce the cost of making energy improvements, and

WHEREAS, NYSERDA has selected C.J. Brown Energy, P.C. to implement the Energy Smart Audit Program in our area. C.J. Brown has more than 18 years experience evaluating facilities lighting, HVAC, refrigeration and cooling, ventilation, motors, hot water, and building envelopes, and

WHEREAS, C.J. Brown has reviewed the Town's utility bills and determined that the Energy Audit Program is available for all Town facilities at a total cost of \$1,800.00. The Audit cost is determined by the annual electric use as follows:

- \$100 for each facility with annual electric use under \$25,000
- \$400 for facilities with annual electric use between \$25,000 an \$75,000

WHEREAS, the Audit fee is refundable if the client implements a recommended measure of measures, the cost of which is at least equal to the cost of the Audit, and

WHEREAS, the Energy Smart Program can not be used for the Town traffic signal or street lights. The NYSERDA FlexTech Program is the program which would be used to audit electric use for traffic signals and street lighting, which is a more involved or detailed program that will take more time to setup a work scope and require a 50/50 cost share between the Town and NYSERDA.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an Agreement with C.J. Brown Energy, P.C., 4245 Union Road, Suite 204, Buffalo, New York 14225 and NYSERDA to perform a NYSERDA Energy Smart Audit on all Town owned facilities in an amount not to exceed \$2,000.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #9 Schedule Public Hearing for OPDD 2-2 for Holly Ridge Estates Subdivision.

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

**Establishment of Creation to the Town Drainage District OPDD 2-2 in Re;
Holly Ridge Estates, owned by D.J.C. Land Inc.**

WHEREAS, the Town Board of the Town of Orchard Park (herein called "Town Board" and "Town" respectively), in the County of Erie, New York, has received a petition (Exhibit A) pursuant to Section 191 of Town Law, for the establishment and creation of Town Drainage District OPDD 2-2, which petition was signed by the sole owners of taxable real property situate on the proposed new drainage district owning all of the taxable real property of the proposed new drainage district, as shown upon the latest completed assessment roll of said Town and was accompanied by a map plan and report prepared by Greenman-Pedersen, Inc., competent engineers duly licensed by the State of New York, and was the drainage district to be constructed and paid for by or on behalf of petitioners, to provide stormwater drainage to prospective new homeowners within the proposed district consisting of the construction and installation of drainage facilities in accordance with the specifications of the New York State Department of Environmental Conservation and the Town of Orchard Park Engineering Department all in the proposed new Town Drainage District OPDD 2-2, which map and plan have been duly filed in the Office of the Town Clerk of the Town for public inspection; and

WHEREAS, said petition described the boundaries (Exhibit A-1) of the proposed new Town Drainage District OPDD 2-2 in a manner sufficient to identify the lands included therein as in a deed of conveyance and was signed by the petitioners and acknowledged or proved in the same manner as a deed to be recorded; and

WHEREAS, the proposed new Town Drainage District OPDD 2-2 is bounded and described in the map, plan and report (Exhibit B, B-1, B-2) attached hereto and made a part hereof; which reads as follows:

**Exhibit A-1
Legal description**

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 Number 64, Township 9, Range 7 of the Holland Land Company's Survey and further described as follows:

BEGINNING at the northwest corner of said Lot Number 64;

THENCE: S-00°-00'-07"-E along the west line of said Lot Number 64, a distance of 790.65 feet to its intersection with the north line of lands conveyed to Watchhill Development Corporation by Deed recorded in the Erie County Clerk's Office in Liber 9661 of Deeds at page 7;

THENCE: N-89°-17'-32"-E and along the north line of lands so conveyed to Watchhill Development Corporation a distance of 1,500.00 feet to the west line of lands conveyed to The Archaeological Conservancy by Deed recorded in Liber 11073 of Deeds at page 5507, as corrected by Deed recorded in Liber 11078 of Deeds at page 7727;

THENCE: N-01°-18'-34"-E and along said Archaeological Conservancy's westerly line 429.67 feet to the said Archaeological Conservancy's northwest corner;

THENCE: N-89°-43'-03"-E and along said Archaeological Conservancy's northerly line 650.65 feet to a boundary line established by Boundary Line Agreement recorded in Liber 10053 of Deeds at page 257;

THENCE: N-01°-18'-34"-E and along said boundary line 350.14 feet to the north line of Lot No. 64;

THENCE: S-89-43'-03"-W and along the north line of Lot 64 a distance of 2,168.40 feet to the point or place of beginning containing 32.42 acres be the same more or less, and

WHEREAS, the Town Board has given due consideration to the impact that the establishment of the new Town Drainage District OPDD 2-2 may have on the environment and, on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused by the establishment of such new Town Drainage District OPDD 2-2 and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, a duly executed Short Environmental Assessment Form has been filed in the office of the Town Clerk; and

WHEREAS, the Town Board has determined to proceed with the establishment of the proposed new Town Drainage District OPDD 2-2; and

WHEREAS, said new Town Drainage District OPDD 2-2 hereinabove described is to be constructed and paid for by or on behalf of the petitioners, D.J.C. Land Inc. and the expense of the maintenance of the Drainage District shall be paid by the assessment, levy and collection of property taxes upon the several lots and parcels of land within the proposed Town Drainage District OPDD 2-2 in the same manner and at the same time as other Town charges;

NOW, THEREFORE, be it **ORDERED**, that a meeting of the Town Board of the Town be held at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park, New York on the 3rd day of June 2009 at 7:00 p.m. (prevailing time); to consider the establishment and creation of the new Town Drainage District OPDD 2-2, as herein referred to, and to hear all persons interested in the subject thereof, concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and be it

FURTHER ORDERED, that the Town Clerk publish at least once in the Orchard Park Bee, a newspaper published in the Town of Orchard Park, New York, which newspaper is hereby designated as the official newspaper of the Town for this publication, and post on the sign board of the Town maintained pursuant to Subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by the Town Clerk, the

first publication and said posting to be not less than ten (10) nor more than twenty (20) days before the day designated herein for said public hearing as aforesaid.

The resolution was unanimously adopted.

New Business #10 (Tabled) Schedule Public Hearing for Water Dist Ext #8-4 Eagle Crest Senior Village: Town Board to schedule a Public Hearing for Wednesday, June 3, 2009 @ 7:00 PM, at the Orchard Park Municipal Building for Orchard Park Water District Extension #8-4 for Eagle Crest Senior Village Area at the end of Weiss Avenue, and to authorize the Town Clerk to publish due notice in the official newspaper of the Town.

New Business #11 OP Chamber of Commerce requesting to hold the Annual Fourth of July Parade

10) 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 request of the Orchard Park Chamber of Commerce to hold the Annual Fourth of July Parade on Saturday, July 4, 2009. The parade will assemble at the Orchard Park High School parking lot at 7:00 PM with leadoff at 8:00 PM sharp. There is no rain date scheduled for the parade. The scheduled rain date for the fireworks, would be Sunday, July 5, 2009 at dusk.

The resolution was unanimously adopted.

New Business #12 Proclamation Declaring May 10th through May 16th, 2009 as "Safety Week"

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

WHEREAS, the Western New York Safety Conference, Inc., has taken great pride in the safety of people both on and off the job, and has implemented wide reaching programs of safety education and accident prevention, and

WHEREAS, this program has become an example and a model for all businesses and industries, and has served as a reminder for many of our residents to be more concerned with their own safety at home and at work, and

WHEREAS, it is a pleasure to extend this proclamation on behalf of our Town of Orchard Part to the Western New York Safety Conference, Inc., which will host the 73rd Annual Safety Conference and Trades Exhibit at the Grand Island Holiday Inn on May 13th and 14th, 2009, and

WHEREAS, the Western New York Safety Conference, Inc., should be commended for its continuing and progressive safety programs, urging our citizens to support all such efforts to promote safety both on and off the job.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Orchard Park, in the County of Erie, in the State of New York, does hereby proclaim the week of May 10th through May 16, 2009 as **SAFETY WEEK**.

The resolution was unanimously adopted.

New Business #13 Proclamation Declaring Saturday, May 9, 2009 as “Lisa Barniak Day”

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

WHEREAS, Lisa Barniak was born on March 12, 1967, attended Nativity School, Orchard Park High School and Canisus College, and

WHEREAS, Lisa Barniak was diagnosed with breast cancer in 2003, and

WHEREAS, Lisa Barniak lost her battle with breast cancer on November 13, 2007 leaving behind two small children, and

WHEREAS, Lisa Barniak’s Aunt wrote the Vera Bradley Company telling them how much joy their handbags brought Lisa during her illness, and

WHEREAS, in a handwritten letter, Barbara Bradley advised the family that they would name a handbag in honor of Lisa. The “*Lisa B*” handbag is part of the Vera Bradley spring collection, and

WHEREAS, on Saturday, May 9, 2009 Reeds/Jenss Orchard Park location, 3515 Abbott Road will hold a fundraiser to benefit the Vera Bradley foundation for Breast Cancer and to honor and celebrate Lisa’s life, and

WHEREAS, the celebration will include refreshments, door prizes, entertainment and other surprises, and

WHEREAS, a portion of the proceeds from the Vera Bradley bag sales at the Orchard Park store, Maple Road and Victor, NY stores, as well as a portion of Reeds Jewelry sales at Orchard Park for that day will be donated to the Foundation as well.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Orchard Park does hereby proclaim Saturday, May 9, 2009, as **Lisa Barniak Day** in Orchard Park.

The resolution was unanimously adopted.

New Business #14 Highway Superintendent Request for Deputy to attend NYS Conference

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

RESOLVED, that the Town Board does hereby authorize the request of the Highway Superintendent to send Deputy Highway Superintendent, Ernie Matthews to the 2009 New York State Association of Town’s Highway School, June 1-3, 2009, at Ithaca College, Ithaca NY, with monies appropriated and not to exceed \$600.

The resolution was unanimously adopted.

New Business #15 VFW Post #6247 Request to hold Annual Memorial Day Parade & Ceremony

14) 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 the Orchard Park Veterans of Foreign Wars Post #6247 to hold the Annual Memorial Day Parade and Ceremony on Monday, May 25, 2009, subject to approval and review of the Village and Chief of Police. The parade will start promptly at 9:00 AM from the Orchard Park Library and proceed north on South Buffalo Street to the four corners and west on West Quaker Street and end at Veterans Park for the ceremony.

The resolution was unanimously adopted.

New Business #16 Accept the Resignation of Robert Fortenbaugh from the Recreation Commission

15) 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 resignation of Robert Fortenbaugh from the Recreation Commission, with regret.

Councilman Kaczor stated that Mr. Fortenbaugh is one of the original charter members of the Orchard Park Recreation Commission and has performed an outstanding job for the Town and will be missed.

The resolution was unanimously adopted.

New Business #17 Refer to the Planning Board and/or Conservation Board:

16) 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 refer the following items listed on the agenda to the Planning Board and/or Conservation board: Volkswagen of Orchard Park, 3524 Southwestern Blvd., Zoned B-2. Requesting an addition for a new car delivery area, new administration area and a new customer service write up area, new showroom and customer waiting area, totaling 9,177 sq. ft., and People Inc., vacant land on the West side of Mid County Drive. Requesting to rezone the 5.58 +/- acres of land, from R-4 and I-1 to R-4 with a SR designation to construct a proposed 43-unit Senior Housing independent living facility.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Brian Eldridge – He expressed his concern over the proposed impact of the Wal-Mart Supercenter. He stated that he has reviewed the DEIS and based upon his past experience in his career as a Senior Town Planner, found that one area where more impact analysis is needed, is traffic management. Short term and long term depth of impact over time needs to be assessed.

John Marlow – He stated that the vehicle permit requirement at Yates Parks should be eliminated since it is not enforced. He stated that a Federal grant has been obtained by the Police Department for surveillance cameras and he is opposed to any installation of cameras at Yates Park. He stated that there seems to be situations in the Town where land is flipped from developer to developer with rezoning changes and Wal-Mart is the example.

Sal Cerrone – He stated that for access to Wal-Mart, there would be a serious problem connecting South Benzing and Southwestern Boulevard either with a stop sign or traffic signal. The viaduct overpass and the eastbound curve would have limited visibility and that would pose a real dangerous situation for motorists.

Greg Tomani – He asked if the Town Board had set a date to meet with New York State Department of Parks, Recreation and Preservation on the Rail Trails. He also asked about the process to apply for the position vacated on the Recreation Commission.

ELECTED OFFICIALS & DEPARTMENT HEADS

17) 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 Transfer for the *Planning Coordinator*:

\$94.58	From: B.8010.450	Zoning Publishing
	To: B.8010.400	Zoning Office Supplies

The resolution was unanimously adopted.

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

WHEREAS, the Town Board wishes to reinstate the Senior Residential District designation for the Pines at Murphy Road

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby rescind the resolution made on March 4, 2009, directing the Pines at Murphy petitioners to make a new application for SR designation of this property, it being the intention of the Town Board to reinstate the original approval for SR designation of the Pines at Murphy.

The resolution was unanimously adopted.

Councilwoman Ackerman mentioned that on Arbor Day, Friday, May 1, 2009, a tree planting ceremony was held in honor of former Police Chief Robert Henning. Doreen Henning sent a note of appreciation to all involved and were in attendance.

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to send a letter in support of the Town of Hamburg to Governor Paterson, to fund the lifeguards at Woodlawn Beach.

Councilman Dietrick stated that the lifeguards were cut from the New York State Budget while it allowed for the creation of newly appointed job positions in Western New York.

The resolution was unanimously adopted.

Police Chief Benz stated for clarification, that the grant obtained for surveillance cameras and a recording device, are to replace the present recording system for the existing cameras.

Highway Superintendent Piasecki reported on the *Earth Day* activities and thanked Donna LaPore and the Y.E.S. Group of young adults and Howie Holmes for volunteering their time and service.. He stated that the Town received the last check from Erie County for snow plowing services in the amount of \$42,933.73. Highway Superintendent Piasecki stated that the annual *Open House* at the Compost Site will again be giving one yard of free mulch to Orchard Park residents on Saturday, May 9, 2009 from 8:00 AM until 4:00 PM.

Town Engineer Bieler stated for clarification, that there has been a full traffic study for WalMart which has addressed many of the intersections. It is still in the draft mode and is available in the Planning Office and the Engineering Office.

20) 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 #9 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$82,519.65
Part Town Fund	\$679.26
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$10,874.78
Special Districts	\$27,667.69
Trust & Agency	\$438.18
Capital Fund	\$14,941.67

The resolution was unanimously adopted.

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

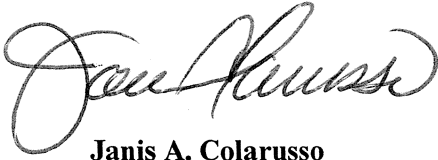
RESOLVED, that the Town Board does hereby authorize to receive and file the following Communication: **Town of West Seneca**: An application has been made to the Planning Board for a special permit for property located at 1370 Southwestern Blvd., from C-1 to C-1(S) for construction of 20 additional apartment units, related parking, landscaping, utilities and storm water facilities, and be it further

RESOLVED, that the Town Board does hereby authorize to receive and file the following Reports: Building Inspector's Monthly Report and Building Permits for April 2009, and the Annual Report for the Town of Orchard Park Ethics Board for 2008.

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 7:26 PM (local time).

Respectfully Submitted,



Janis A. Colarusso
Town Clerk