

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 15th day of April 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
	Janis Colarusso	Town Clerk
	Leonard Berkowitz	Town Attorney
	Andrew Benz	Chief of Police
	Frederick Piasecki, Jr.	Highway Superintendent
	Wayne Bieler	Town Engineer
ABSENT:	Edward Graber	Councilman
	Andrew Geist	Building Inspector

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 meetings of the Town Board held on April 1, 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 HEARING

At 7:00 PM (local time) the Supervisor called for the Public Hearing to hear all interested parties for or against the Proposed Changes to a Local Law for the Year 2009. This local law provides for the adoption of the additions and/or changes to New York State Real Property Tax Law §459 – Physically Disabled, which provides as follows:

Findings.

The Town Board of the Town of Orchard Park hereby finds and determines that the New York State Legislature has enacted legislation contained in §459 of the Real Property Tax Law. Such law provides the following:

An improvement to any real property used solely for residential purposes, as a one-, two-, or three-family residence, shall be exempt from taxation to the extent of any increase in value attributable to such improvement, if such improvement is used for the purpose of facilitating and accommodating the use and accessibility of such real property by a resident owner of the real property who is physically disabled, or a member of the resident owner's household who is physically disabled, if such member resides in the property.

Old Business #2 Boston Valley Terra Cotta Requesting a Building Permit for an Addition

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

RESOLVED, that the Town Board does hereby authorize a Building Permit for Boston Valley Terra Cotta, 6860 South Abbott Road, Zoned A-1, as recommended by the Planning Board, 4/8/09, to construct a 17,934 ± square foot building addition and site improvements, per the plan received on 4/8/09, with the following conditions and stipulations:

- This is a Negative SEQR Action based on the submitted Long EAF, Parts One & 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, lighting will have timers returning to security level at 10:00 P.M.
- 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 4/08/09.
- A (3) three year landscaping bond in the amount of \$27,375.00 shall be provided for the landscape plan received 2/23/09, prior to the receipt of a Building Permit. Per Conservation Board minutes of 2/3/09, the prior landscaping bond for Phase 3 will be released when the new landscaping bond is submitted for Phase 4 which incorporated the prior Phase 3 landscaping.
- The Zoning Board of Appeals granted a Use Variance to extend a Non-conforming Use on 12/16/08.

The resolution was unanimously adopted.

New Business #1 Approve the Public Stable Permits for Hammersmith Farms & Schott Stables

6) 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 grant the following 2009 Public Stable Permits, as recommended by the Building Inspector: Hammersmith Farms, 6243 Benning Road and Schott Stables, 6305 South Abbott Road

The resolution was unanimously adopted.

New Business #2 Advertisement for Summer Help in the Sewer, Water & Lighting Department

7) 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 Sewer, Water & Lighting Department and to date, no applications have been received and the Engineering Department would like to advertise for the summer help position at an hourly rate of \$8.00 to \$10.00.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize advertisement in the Orchard Park Bee for summer help in the Sewer, Water & Lighting Department, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business # 3 Advertisement of Bid for Chestnut Ridge Village Park, Existing Trails

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

WHEREAS, the Orchard Park Engineering Department has prepared design plans and specifications for the reconstruction of existing trails at the Chestnut Ridge Village Parklands, and the preliminary engineers estimate is \$216,693.00. The Town has received a NYS Office of Parks, Recreation and Historic Preservation grant for \$100,000.00 for Chestnut Ridge Village Improvements to Existing Trails, and

WHEREAS, this project will consist of the construction of approximately 5,492 feet of nature trails, approximately 886 feet of associate boardwalks, one observation deck, benches, trash cans, and 470 feet of split rail fence section along property lines to delineate the Park property, and

WHEREAS, the Highway Department does not have the available manpower to reconstruct these trails and because the cost is estimated over \$20,000.00, the work is required to be formally bid.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize advertisements in the Orchard Park Bee Publication, Buffalo Challenger and The Buffalo News for sealed bids to be opened for Chestnut Ridge Village Park Improvements to Existing Trails at 3:00 P.M. on May 11, 2009 in the Supervisor's Conference Room at the Orchard Park Municipal Center, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business # 4 Authorize the Fireworks Permit for Buffalo Bills

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

RESOLVED, that the Town Board does hereby approve a Permit for Public Display of Fireworks for the Buffalo Bills, One Bills Drive, April 25, 2009.

The resolution was unanimously adopted.

New Business # 5 Supervisor to execute documents for 2009 Justice Assistance Stimulus Grant

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

WHEREAS, the 2009 Recovery Act has provided for the Edward Byrne Memorial Justice Assistance Grant Formula Program ("JAG Stimulus Funding") which is offering grant monies to a disparate group in Erie County consisting of the Town of Orchard park, the Cities of Buffalo, Lackawanna and Tonawanda, the villages of Kenmore and Depew, the County of Erie, and the Towns of Amherst, Cheektowaga, Evans, Tonawanda and West Seneca, and

WHEREAS, the Town of Orchard Park will receive approximately \$12,390.00 to support the purchase of technology and equipment, and

WHEREAS, no matching funds are required for the purpose of securing these grant funds, and

WHEREAS, the City of Buffalo will serve as the lead agency for the purpose of securing and administering these grant funds,

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorize and directed to execute all documents pertaining to the application and acquisition of said funding including a Memorandum of Understanding with the other municipal partners in this collaborative effort.

Police Chief Andrew Benz stated that they are going to use these grant funds to upgrade the camera recording system that is currently in place now, and that they will have the ability to place cameras in other places within the Town offices.

The resolution was unanimously adopted.

New Business # 6 Authorize the Orchard Park Recreation Fees for the Season of 2009-2010

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

RESOLVED, that the Town Board does hereby approve the 2009-2010 Recreation Department Program Fees, as requested by the Recreation Director

<u>Program</u>	<u>2009 Rate</u>		
Day Camp	135		
Adventure Camp	135		
Ecology Camp	100		
Sports Camps	55		
Learn to Swim	40		
Learn to Dive	60		
Learn to Canoe	50		
Learn to Sail	55		
Parent/Child Swim	40		
Bubble Swim	40		
Let's Dance	40		
Hola Amigos	40		
Little Adventures	60		
Preschool Play	65	6 classes	87
Creative Kids	35		
Explore Yoga and Art	35		
Literary Play Days	\$5.00/day		
Start Smart Development	50		
Start Smart Sports	65		
Talking Hands	40		
Performing Arts	50		
Geocaching	5		
Dance Program	40		
Young Artists	40		
Artists Studio	40		
Earth Spirit	5		
Cheerleading	40		

Archery		65	
Tennis Lessons		40	
Youth Floor Hockey		40	
Youth Golf		40	
Youth Lacrosse		40	
Youth Soccer		40	
Youth Volleyball		40	
Lap Swim		2.50 each	
Water Exercise		3.75	
Exercise Program		3.75	
Exercise Program		50	
Deep Water Aerobics		3.75	
Fencing		60	
Picnic Shelters:	Large	55	Small 40
Boat Rentals		\$5/1/2 hr.	
Playgrounds & Parks Activities		free	
Diamond and Facility Permits		\$15/day	
Aqua Fit		3.75	
Water Walking		3.75	
Private Swim Lessons		85	
Semi-Private Swim Lessons		60	
Corporate Sponsorship/Year		1500	
Run/Walk- 1 hr. (14 classes)		2.50/class	
Ballroom Dancing		99	
First Aid/CPR Review		15	
American Red Cross Courses		60	
Life Guard Certification		200	
Nature Ed.		\$15	
Fencing		65	
<u>Adult Pick Ups</u>			
Badminton		3.75/class	
Volleyball		3.75/class	
Basketball		3.75/class	

The resolution was unanimously adopted.

New Business #7 Appointment to 2009 Spring/Summer Recreation Staff

12) 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 authorize the following 2009 Spring/Summer Seasonal Staff Appointments to the Orchard Park Recreation Department, dependent upon the applicant providing the required certifications, as recommended by the Recreation Director.

<u>Name</u>	<u>Address</u>	<u>Rate</u>	<u>Position</u>
Nicole Augustine	Town of Elma	\$ 9.50	PT2-D (Att.)
Jarryd Austin	City of Buffalo	\$ 8.50	PT1-E (Att.)
Brian Benz	Town of Orchard Park	\$ 8.50	PT1-E (Att.)

Ashley Bonetto	Town of Orchard Park	\$ 9.50	PT2-D (Lg.)
Alice Buskus	Town of Orchard Park	\$ 8.50	PT1-E (Att.)
Jennifer Buskus	Town of Orchard Park	\$ 9.50	PT2-D (Att.)
Jenny Capriotto	Town of Orchard Park	\$ 10.50	PT3-C (Att.)
Jennifer Carter	Town of Orchard Park	\$ 10.50	PT3-C (Att.)
Jessica Carter	Town of Orchard Park	\$ 8.50	PT1-E (Att.)
Emily Curran	Town of Orchard Park	\$ 8.50	PT1-E (Att.)
Jessica Emerling	Town of Hamburg	\$ 9.00	PT2-B (Att.)
Karin Freyer	Town of Orchard Park	\$ 8.50	PT1-E (Att.)
Kathleen Goodman	Town of Orchard Park	\$ 15.00	PT6-D (Att.)
Gretta Hanson	Town of West Seneca	\$ 9.50	PT2-D (Att.)
Rachel Hedges	Town of Orchard Park	\$ 8.50	PT1-E (Lg.)
Chelsea Hojnacki	Town of Hamburg	\$ 9.50	PT2-D (Lg.)
Emily Horn	Town of Orchard Park	\$ 8.50	PT1-E (Att.)
Matthew Horn	Town of Orchard Park	\$ 8.50	PT1-E (Att.)
Shannon Jablonski	Town of Cheektowaga	\$ 10.50	PT3-C (Att.)
Logan Jensen	Town of Orchard Park	\$ 8.50	PT1-E (Att.)
Lauren Kaczor	Town of Orchard Park	\$ 8.50	PT1-E (Att.)
Katherine Kempa	Town of Orchard Park	\$ 9.50	PT2-D (Att.)
Tressa Kennedy	Town of Orchard Park	\$ 9.50	PT2-D (Att.)
Florence Kirkner	Town of Orchard Park	\$ 11.00	PT3-E (Lg.)
Matthew Kordrupel	Town of Orchard Park	\$ 8.50	PT1-E (Att.)
Devin Kostczewski	Town of Orchard Park	\$ 8.00	PT1-C (Att.)
Christie LaMartina	Town of Orchard Park	\$ 9.00	PT2-B (Att.)
Claire Lewandowski	Town of Derby	\$ 8.00	PT1-C (Att.)
Ned McGrath	Town of Orchard Park	\$ 8.50	PT1-E (Att.)
Benjamin Morton	Town of Orchard Park	\$ 8.50	PT1-E (Lg.)
Anne Muscatello	Town of Colden	\$ 8.50	PT1-E (Att.)
Marleah Noonan	Town of Orchard Park	\$ 8.50	PT1-E (Att.)
Allison Pawarski	Town of Blasdell	\$ 8.50	PT1-E (Att.)
Nicholas Ramage	Town of Orchard Park	\$ 8.50	PT1-E (Att.)
Lauren Reddington	Town of Orchard Park	\$ 9.50	PT2-D (Lg.)
Stephanie Rowland	Town of Orchard Park	\$ 9.50	PT2-D (Att.)
Mary Schichtel	Town of Hamburg	\$ 15.00	PT6-D (Att.)
Andrew Schrum	Town of Orchard Park	\$ 8.00	PT1-C (Att.)
Alison Tepas	Town of Orchard Park	\$ 8.00	PT1-C (Att.)
John Vinti	Town of Orchard Park	\$ 9.50	PT2-D (Lg.)
Sarah Yates	Town of Orchard Park	\$ 9.50	PT2-D (Att.)
Kimberly Wilder	Town of Orchard Park	\$ 8.50	PT1-E (Att.)
Jon Zelasko	Town of Orchard Park	\$ 8.50	PT1-E (Att.)

The resolution was unanimously adopted.

New Business #8 Seasonal Appointment to Green Lake Parks & Grounds

13) 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 approve the appointment of Gene Gavigan, to work as a Seasonal Employee at the Green Lake Parks & Grounds at a rate of \$10.00 per hour (PT3), retroactive to April 2, 2009, as requested by Highway Superintendent, Fred Piasecki.

The resolution was unanimously adopted.

New Business #9 Approve the Seasonal Appointment(s) to Milestrip Road Parks & Grounds

14) 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 approve the appointment of Paul Barker, to work as a Seasonal Employee at the Milestrip Road Parks & Grounds at a rate of \$10.00 per hour (PT3), retroactive to March 30, 2009, as requested by Highway Superintendent, Fred Piasecki.

The resolution was unanimously adopted.

New Business #10 National Center for Missing & Exploited Children to hold 3rd Annual Bike Ride

15) 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 approve the request of the National Center for Missing and Exploited Children to hold its 3rd Annual "Buffalo Ride for Missing Children" on May 8, 2009 and to use the Towns roadways as part of the ride. The ride is a 100 mile ride made by 100 pledged bicycle riders that raise funds to support prevention education programs and to remember all missing children.

The resolution was unanimously adopted.

New Business #11 Proclaim May as Motorcycle Safety Month

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

WHEREAS, the Buffalo/Erie County Chapter of "American Bikers Aimed Toward Education", (ABATE) will celebrate the 21st Annual Event, Saturday, May 2nd at the Woodlawn State Park, Route 5, Woodlawn, New York, and

WHEREAS, ABATE of New York wants to remind all motorists to be more aware of motorcyclists and to respect their rights to safely ride on the highways in this month and throughout the riding season, and

WHEREAS, they have extended an invitation to all elected officials in Erie County and respective State Officials to attend, and the American Bikers invites all municipalities to proclaim May as Motorcycle & Awareness Month

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby designate and declare May as "*Motorcycle Safety and Awareness Month*".

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Mary Chase – She acknowledged a letter from the Public Safety Committee regarding dangerous parking and driving conditions on Bieler Road and stated she and her neighbors feel the findings are unacceptable. She believes all the residents on Bieler safety is being compromised. She appealed to the Town Board for an acceptable resolution.

Jane Schumaker – She had a question regarding two different decisions on making a project acceptable by mitigating traffic safety problems at Quaker Crossing, one was Buffalo Wild Wings and the other was Walmart.

Jeff Lyons – He stated that the traffic conditions on Bieler Road are dangerous, and it is not safe to walk there. He believes the issues are volume, speeding and the lack of sidewalks. The Wal-Mart DEIS state 2000 cars a day cut through Bieler Road every day. He asked the Town Board to do some mitigation to help alleviate the problems.

ELECTED OFFICIALS & DEPARTMENT HEADS

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

WHEREAS, Dennis J. Mill was raised on a large dairy farm in the Orchard Park area in a family extending six generations; and University of Colorado and went on to serve his country from 1952 in the United States Air Force as a member of the Strategic Air Command and as an instructor to the cadets at the US Military Academy at West Point, until his honorable discharge in 1957; and

WHEREAS, his business employment took Dennis to the Safety and Claims Department of National Fuel Gas Company for several decades; and

WHEREAS, Dennis J. Mills and his wife, Dorothy, raised their two boys, Michael and Marshall, in their home on North Freeman Road; and

WHEREAS, feeling the responsibility of public service, Dennis J. Mill was elected to the position of councilman on the Orchard Park Town Board in 1976, where he served until becoming Town Supervisor in 1989, seamlessly replacing the ailing Town Supervisor, Eugene Woodard; and

WHEREAS, Dennis J. Mill served on the Town Board for an additional two terms as Supervisor, making twenty-two total, continuous years on the Board, longer than any other board member's tenure; and

WHEREAS, during his service as Supervisor, Dennis J. Mill was able to encourage the State of New York to pass enabling legislation to create a Tax Stabilization Program, which was implemented in the Town of Orchard Park under Dennis's leadership and which continues to exist today; and

WHEREAS, during his tenure as supervisor, there were seven consecutive years with no tax increase, the last four years of leadership presenting budgets with tax rate reductions; and

WHEREAS, services to the Town during that period were maintained at the highest and most efficient level; and

WHEREAS, during the same time period, Dennis J. Mill served as deputy in the Erie County Sheriff's Department as a member of the Scientific Staff, is a member of the Orchard Park Rotary, serving as a member of its Board and is a past president, as well as receiving the Rotary International Paul Harris Award; and

WHEREAS, Dennis J. Mill has been a member of the Board of Directors and a past President of the Erie County Governments Association, a board member of the Erie County Block Grant Consortium, a member of the Board of Trustees of Erie County Central Police Services, the Vice Chairman of Erie County E911 Practices Board, a member of the Board of Directors of the Southtowns Sewer Agency, a member of the Board of Directors of the Rural Transit Service, a member of the Erie County Industrial Development Loan Committee; and

WHEREAS, Dennis J. Mill is a Life Member of Disabled American Veterans, and a member of the Orchard Park Legion; and

WHEREAS, Dennis J. Mill is a long time Trustee of the Friends Cemetery Association of Orchard Park, as well as being the current President of the Orchard Park Historical Society, and serves on the Orchard Park Fire District Ethics Board; and

WHEREAS, Dennis J. Mill currently works for the Buffalo Bills as he has since the late 1990's and is affectionately called "Aqua Man" by players and staff alike,

NOW, THEREFORE BE IT RESOLVED, that the Town Board of Orchard Park extends hearty congratulations to Dennis J. Mill on his being named Republican of the Year for 2009 by the Orchard Park Republican Committee; and be it further

RESOLVED, that the Town Board of Orchard Park enthusiastically thanks Dennis J. Mill for his lifetime of service to his community and Western New York and is grateful to Dennis J. Mill for all he has done to enrich our area, and be it further

RESOLVED, that this proclamation is unanimously moved and seconded by the entire Town Board at its public meeting this 15th day of April 2009.

The resolution was unanimously adopted.

18) 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 planting of an oak tree in memory and honor of former Police Chief Robert Henning in Steinwachs Green, the dedication will take place next to the Library on May 1, 2009 at 4:00 pm. and the public is invited.

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby authorize members of the Historic Preservation Board to attend the 23rd Annual Regional Preservation Conference, May 2, 2009, at a cost not to exceed \$275.00.

The resolution was unanimously adopted.

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

WHEREAS, the Governor's new budget does not have the funds to open Woodlawn State Park this year, and

WHEREAS, Woodlawn State Park offers the residents in the Southtown's a place to enjoy swimming and other recreation on Lake Erie.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to send a letter to Governor Patterson asking him to reconsider closing the swimming at Woodlawn State Park for the summer, and be it further

RESOLVED, that copies of this letter should be forward to the other Towns in the Southtowns.

The resolution was unanimously adopted.

Councilman Dietrick outlined the cumulative effect of taxes on the residents in Orchard Park. For a family with an income of \$100,000 the federal income tax is about 30%, the state tax is 10% and payroll taxes are around 8%, which is already 48% of a family's income. With school tax, county, & town taxes, which would bring it up to about 56% of a family's income. There are also sales tax, excise tax and utility tax . The Town tax portion is the smallest of all the taxes assessed.

Town Attorney Leonard Berkowitz stated that the Town has been served with a lawsuit regarding the Yates Barn/Edgewood Farms Historic Preservation. Mr. Berkowitz, as previously stated, has a conflict of interest and therefore the Cosgrove firm was hired to represent the Town. The Cosgrove firm may also represent the Town in the lawsuit as well. The Town's insurance companies may also represent the Town.

The Town Attorney also addressed Ms.Schumaker's question. He stated there never was an Environmental Impact Statement done for Buffalo Wild Wings, so there would never be a finding for the project. The findings are where you can ask a developer to make some improvements to a project. Councilwoman Ackerman stated there was a very large EIS done when a 400,000 sq ft. plaza was approved in the first place, so another one was not needed for an individual project.

Highway Superintendent Fred Piasecki stated that regarding Earth Day, the Highway Department is going to get together with the Y.E.S (Youth Engaged in Service) group on Sat. April 25th to clean up Green Lake Park, and Birdsong Park.

Town Engineer Wayne Bieler announced that the Erie County Soil and Conservation District, in conjunction with the WNY Storm Water Coalition are sponsoring a Erosion and Sediment Control Workshop on May 14th for contractors that are involved in construction sites. This workshop will provide the required training for contractors and inspectors to comply with the SPDES general permit for Stormwater Discharges from Construction Activity.

21) 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 #8 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$56,083.41
Part Town Fund	\$1,110.29
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$24,349.06
Special Districts	\$133,354.05
Trust & Agency	\$346.00
Capital Fund	\$6,007.28

The resolution was unanimously adopted.

22) 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 receive and file the following Communications listed on the agenda: **Letter from State Senator Dale Volker:** Acknowledgement of Orchard Park resolution to permit the Office of the Town Clerk to remain an elected position, and stated that this proposition was withdrawn from the 2009-10 State Budget, and **United States Census 2010:** Police Chief Benz, would like to remind the residents that the US Census workers will be visiting the Town of Orchard Park going door to door and will have proper ID with them.

AND BE IT FURTHER RESOLVED, that the Town Board does hereby receive and file the following Reports listed on the agenda: Building Inspectors Report & Building Permits for March 2009, and Waste Management of NY: Solid Waste & Recycling Reports for the 1st Quarter of 2009.

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 7:40 PM (local time).

Respectfully Submitted,


Janis A. Colarusso
Town Clerk

