

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 April 2008 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
David Kaczor	Councilman
Mark Dietrick	Councilman
Janis Colarusso	Town Clerk
Leonard Berkowitz	Town Attorney
Andrew Geist	Building Inspector
Andrew Benz	Chief of Police
Frederick Piasecki, Jr.	Highway Superintendent
<b>ABSENT:</b> Nancy Ackerman	Councilwoman
Edward Graber	Councilman
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 COUNCILMAN KACZOR, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN DIETRICK, TO WIT:

**RESOLVED**, that the minutes of the Meeting of the Town Board held on April 2, 2008, as presented by the Town Clerk, are hereby approved, and be it further

**RESOLVED**, that the reading of these minutes be dispensed with as each member of the Town Board has previously received copies thereof.

**The resolution was unanimously adopted.**

#### **PUBLIC HEARING**

At 7:00 PM (local time) the Supervisor called for the Public Hearing to hear all interested parties for or against the Proposed Local Law for the Year 2008. This local law provides for the adoption of the "Establish Right to Farm" Legislation, which is provided as follows:

#### **Section 1. Legislative Intent and Purpose.**

The Orchard Park Town Board finds, declares and determines that agriculture is vital to the Town of Orchard Park, New York because it is a livelihood and provides employment for agriservices; provides locally produced, fresh commodities; agricultural diversity promotes economic stability; agriculture maintains open space and promotes environmental quality; and agricultural land does not increase the demand for services provided by local governments. In order to maintain a viable farming economy in the Town of Orchard Park, farmers must be afforded protection allowing them the right to farm. When non-agricultural land uses extend into agricultural areas, agricultural operations may become the subject of nuisance suits. As a result, agricultural operations are sometimes forced to cease operations or are discouraged from making investments in agricultural improvements.

It is the purpose of this law to reduce the loss to the Town of Orchard Park of its agricultural resources by limiting the circumstances under which farming may be deemed to be a nuisance and to allow agricultural practices inherent to and necessary for the business of farming to proceed and be undertaken free of unreasonable and unwarranted interference or restriction.

## **Section 2. Definitions.**

a) "Agricultural practices" shall mean all activities conducted by a farmer on a farm to produce agricultural products and which are inherent and necessary to the operations of a farm and the on-farm production, processing, and marketing of agricultural products including, but not limited to, the collection, transportation, distribution, storage, and land application of animal wastes; storage, transportation, and use of equipment for tillage, planting, harvesting, irrigation, fertilization, and pesticide application; storage and use of legally permitted fertilizers, limes, and pesticides all in accordance with local, state and federal law and regulations and in accordance with manufacturers' instructions and warnings; storage, use, and application of animal feed and foodstuffs; construction and use of farm structures and facilities for the storage of animal wastes, farm equipment, pesticides, fertilizers, agricultural products, and livestock, for the sale of agricultural products, and for the use of farm labor, as permitted by local and state building codes and regulations; including the construction and maintenance of fences.

b) "Agricultural products" shall mean those products as defined in Section 301(2) of Article Twenty-five-AA (25-AA) of the Agricultural and Markets Law.

c) "Farm" shall mean the land, buildings, farm residential buildings, and machinery used in the production, whether for profit or otherwise, of agricultural products.

d) "Farmer" shall mean any person, organization, entity, association, partnership, or corporation engaged in the business of agriculture, for profit or otherwise, including the cultivation of land, the raising of crops, or the raising of livestock, poultry, fur bearing animals, or fish, the harvesting of timber or the practicing of horticulture or apiculture.

e) "Generally accepted agricultural practices" shall mean those practices which are feasible, lawful, inherent, customary, necessary, reasonable, normal, safe, and typical to the industry or unique to the commodity as they pertain to the practices listed in Section 2a) entitled "agricultural practices."

f) Unless specifically defined, above words or phrases used in the local law shall be interpreted so as to give them meanings they have in common usage, and to give this Local Law its most reasonable application.

## **Section 3. Right-To-Farm Declaration.**

Farmers, as well as those employed, retained, or otherwise authorized to act on behalf of farmers, may lawfully engage in agricultural practices within the Town of Orchard Park at all such times and in all such locations as are reasonably necessary to conduct the business of agriculture. For any agricultural practice, in determining the reasonableness of the time, place, and methodology of such practice, due weight and consideration shall be given to both traditional customs and procedures in the farming industry as well as to advances resulting from increased knowledge and improved technologies.

Agricultural practices conducted on farmland shall not be found to be a public or private nuisance if such agricultural practices are:

1. reasonable and necessary to the particular farm or farm operation
2. conducted in a manner which is not negligent or reckless
3. conducted in conformity with generally accepted agricultural practices
4. conducted in conformity with all local, state, and federal laws and regulations
5. conducted in a manner which does not constitute a threat to public health and safety or cause injury to health or safety of any person, and
6. conducted in a manner which does not unreasonably obstruct the free passage or use of navigable waters or public roadways

Nothing in this Local Law shall be construed to prohibit an aggrieved party from recovering damages for bodily injury or wrongful death.

**Section 4. Severability Clause.**

If for any part of the Local Law is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remainder if this Local Law.

**Section 5. Notification of Real Estate Buyers.**

In order to promote harmony between farmers and their new neighbors, the Town of Orchard Park requires landholders and/or their agents and assigns to provide notice to prospective purchasers and occupants as follows: "This property is within the Town of Orchard Park. It is the policy of the Town to conserve, protect, and encourage the development of farm operations within our borders for the production of food and other products and on should be aware of the inherent potential conditions associated with such purchases or residence. Such conditions may include, but are not limited to, noise, odors, fumes, dust, smoke, insects, operations of machinery during any hour, day or night, storage and disposal of plant and animal waste products, and the applications of chemicals fertilizers, soil amendments, herbicides, and pesticides by ground or aerial spraying or other methods. Occupying land within the Town of Orchard Park means that one should expect and accept such conditions as a normal and necessary aspect of living in such an area."

**Section 6. Resolution of Disputes.**

Any issue of controversy that arises which cannot be resolved directly between the parties involved, and is not addressed by other laws or regulations, may be promptly and inexpensively resolved by referral to the Town of Orchard Park Conservation Board for open hearing and recommendations. The OPCB will act as a grievance committee as a whole. Any controversy between the parties shall be submitted to OPCB within thirty (30) days of the occurrence and shall be placed on the agenda of the next OPCB meeting date.

**Section 7. Effective Date.**

This Local Law for the Year 2008 shall be effective immediately upon acceptance by the Town of Orchard Park Town Board and filing with the New York Secretary of State.

Affidavits and Publication of the Legal Notice of the Public Hearing were presented, read aloud and filed with the Town Board by the Town Clerk.

Supervisor Travers Murphy stated if there was anyone in the audience who would like to speak for or against the Local Law.

**Opponents** – No one spoke.

**Proponents** – the following spoke: Richard Maul; Hans Mobius; Chuck Newton; Frank Newton; Elizabeth Schott; John Klubeck; Sal Cerrone; Jack Brunner; Barton Farquhar, and gave the following comments:

The following is a summary of the reasons given by the Proponents:

- Orchard Park was established as a farming community.
- There are few viable farms left in Orchard Park. Developments have taken over, and when they are put next to a farm, the residents of the development complain about the farms and create problems for the farmers.
- We need to keep the few working farms that are left, and need to protect them so the farmers can do their job and make a living here. This legislation is needed to protect the farmers.
- The farms make a great contribution to our lives, and are important to the character of our town.
- We should buy local to help sustain the farmers. Preserving a viable farming community in Orchard Park is very important.

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

**RESOLVED**, that the Public Hearing in the matter of the Proposed Local Law for the Year 2008: “Right-to-Farm”, is hereby closed at 7:13PM (local time).

**The resolution was unanimously adopted.**

3) 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 adopt Local Law # 3 for the Year 2008: *Right-to-Farm*.

**The question of the adoption of the foregoing resolution was duly put to a roll call vote:**

Supervisor Travers Murphy	Aye
Councilwoman Ackerman	Absent
Councilman Kaczor	Aye
Councilman Dietrick	Aye
Councilman Graber	Absent

**The resolution was duly 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 Initial Franchise Agreement for cable television service in the Town of Orchard Park with Verizon New York, Inc.

Affidavits and Publication of the Legal Notice of the Public Hearing were presented, read aloud and filed with the Town Board by the Town Clerk.

Supervisor Travers Murphy stated if there was anyone in the audience who would like to speak for or against the application.

**Opponents** – No one spoke.

**Proponents** - the following spoke: Maureen Rasp Gloss—External Affairs Director for Verizon for Erie County; Brian Johnson—Outside counsel for Verizon; Edward Flynn; Nancy Conley-Orchard Park Chamber of Commerce; James Wagoner-President of the Communications workers of America—Local 22; Gordon Farquhar; Park Metzger; Carl Ernest – employee of Verizon

The following is a summary of the reasons given by the Proponents:

- Verizon has been around for a long time, will continue to be here for a long time
- Verizon is a good corporate citizen, who contributes to and invests in the community.
- Verizon has invested millions of dollars in the fiber optic networks to bring this service to the Town.
- The fiber optic network is the future of communications, and the Town of Orchard Park should have this to help attract high quality businesses to this area.
- Many of the Verizon employees live and work in this Town.
- This service will make cable TV to all the residents that were previously unable to obtain a cable service.
- Will be good for the Town of Orchard Park.

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

**RESOLVED**, that the Public Hearing in the matter of the Proposed Initial Franchise Agreement for cable television service in the Town of Orchard Park with Verizon New York, Inc., is hereby closed at 7:30 PM (local time).

**The resolution was unanimously adopted.**

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

**WHEREAS**, the Town of Orchard Park (the “Town”) is a franchising authority in accordance with Title VI of the Communications Act of 1934 (the “Communications Act”), and is authorized to grant one or more cable television franchises pursuant to Article 11 of the New York State Public Service Law, and Title 16, Chapter VIII, Parts 890.60 through 890.6 through 899, of the Official Compilation of Codes, Rules and Regulations of the State of New York (the “Cable Laws”);

**WHEREAS**, VERIZON NEW YORK INC. (“Verizon”) is upgrading its existing telecommunications and information services network pursuant to the authority granted by Section 27 of the New York Transportation Corporations Law, and Title II of the Telecommunications Act, and Verizon desires to use portions of its network now or hereinafter installed within the Town to provide cable service (as defined in the proposed Verizon Franchise Agreement);

**WHEREAS**, Verizon has submitted a written application for a cable television franchise to the Town on March 28, 2008 (the “Verizon Application”), which the Town has had an opportunity to review;

**WHEREAS**, due negotiations between the Town and Verizon have resulted in a proposed agreement entitled “Cable Franchise Agreement between the Town of Orchard Park and Verizon New York Inc.,” which proposed agreement was filed with the Town on March 28, 2008 (“Verizon Franchise Agreement”);

**WHEREAS**, on April 16, 2008 at a regularly scheduled Town Board meeting the Town Board held a public hearing on the proposed Verizon Franchise Agreement at which Verizon made a presentation to the Town Board in favor of the proposed Verizon Franchise Agreement, and members of the Town Board and the public were given notice and opportunity to comment on Verizon’s presentations and ask questions to be addressed by Verizon’s representatives; and

**WHEREAS**, the Town Board has identified the cable-related needs and interests of the residents of the Town and has exercised due diligence in considering the technical ability, financial conditions, character and legal qualifications of Verizon to meet such needs and interests; and

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town of Orchard Park Town Board finds that it approves the character of Verizon; and be it further

**RESOLVED**, that the Town Board finds that Verizon is legally (pursuant to NY Public Service Commission Rules and other statutory requirements), technically, and financially and otherwise qualified to meet the cable-related needs and interests of the Town and that Verizon will meet all statutory and regulatory non-discrimination requirements; and be it further

**RESOLVED**, that the Town Board finds that although the terms of the proposed Verizon Franchise Agreement are not identical to those of the franchise agreement with the incumbent operator, that the terms of both agreements are reasonably comparable in their totality and contain no economic or regulatory burdens which when taken as a whole are greater or lesser than those burdens placed upon another cable television franchisee operating in the same franchise area, therefore, neither agreement provides either franchisee with any unfair competitive advantage, or subject either franchisee to any unfair competitive disadvantage; and be it further

**RESOLVED**, that the Town Board determines that it serves the public interest to award Verizon a franchise to own, construct, operate and maintain a cable system along the public rights-of-way within the Town, in order to provide cable service; and be it further

**RESOLVED**, that the Town Board authorizes the award of a non-exclusive franchise to Verizon to own, construct, operate and maintain a cable system along the public rights-of-way within the Town, in order to provide cable service, which authorization is made in accordance with the applicable provisions of Title VI of the Communications Act and the Cable Laws; and be it further

**FURTHER RESOLVED**, that the Town Board of the Town of Orchard Park authorizes the Supervisor of the Town to enter into a franchise agreement with VERIZON NEW YORK INC., in a form approved by the Town Attorney, and to execute any other documents necessary to effectuate the granting of the franchise on behalf of the Town of Orchard Park.

**The resolution was unanimously adopted.**

**Old Business #1 Schedule Public Hearing for Cable Television; Time Warner Cable**

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

**RESOLVED**, that the Town Board is hereby authorized to schedule a Public Hearing for Wednesday, May 7, 2008, at 7:00 P.M. (local time) for the purpose of considering the renewal of the Initial Franchise Agreement for cable television service between the Town of Orchard Park and Time Warner Cable.

**The resolution was unanimously adopted.**

**Old Business #2 Schedule Public Hearing for Special Exception Use; Meadow Wood Townhouses**

7) 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 schedule a Public Hearing for Wednesday, May 21, 2008 at 7:00 PM (local time) for Walter Schmidt's request for Special Exception Use Permit for proposed "Meadow Wood Townhouses", 14.34 acres of vacant land, East side of California Road, South of Big Tree Road, Zoned R-3, as recommended by the Planning Board.

**The resolution was unanimously adopted.**

**Old Business #3 Bryant & Stratton College Requesting a Building Permit for an Addition**

8) 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 a Building Permit for Bryant & Stratton College, 200 Red Tail, located on the South West portion of the Sterling Park Complex, adjacent to the Route 219 on-ramp and Milestrip Road, Zoned I-1, for a 6,364 square foot addition. The Planning Board recommends the Town Board authorize the Building Permit and approve the Site Plan received, with conditions and stipulations:

- This is an Unlisted SEQR action based on the submitted Long EAF, Parts One and Two and a Negative Declaration is made.
- The site lighting is limited to those fixtures and poles indicated on the approved site plan. Light fixtures shall have flat lens.
- No outside storage or display is permitted.
- Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with Section 144-25 of the Town Code.
- Town Engineering Approval was granted on 4/8/08.
- A landscape completion bond in the amount of \$7,700 in accordance with the Conservation Board minutes shall be provided for the approved landscape plan, which includes 15% green space, prior to the receipt of a Building Permit.

**The resolution was unanimously adopted.**

**New Business #1 Approve PIP #2008-01; Eagle Heights Part 8, Phase 2 Subdivision**

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

**WHEREAS**, the Engineering Department received from Victor A. Martucci, 2730 Transit Road, West Seneca, New York 14224, representing Brompton Caesar Associates, an application for a Public Improvement Permit to construct the Eagle Heights Part 8, Phase 2 Subdivision, and

**WHEREAS**, the project consists of the installation of 2,275 L.F. of new roadways and public utilities to serve 24 residential sublots. A stormwater treatment unit and detention basin will be constructed in this new proposed phase, and

**WHEREAS**, the Town Engineer has reviewed the plans and specifications for the proposed project and have found them to be in compliance with current Town Specifications and Standards, and

**WHEREAS**, the Town Engineer's Department is in receipt of all necessary fees, bonds (letter of credit), and insurances. The Town Attorney has reviewed the irrevocable letter of credit and found it acceptable.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby approve Public Improvement Permit #2008-01 for the Eagle Heights Part 8, Phase 2 Subdivision, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #2 Town Engineer Requesting Summer Help for the Sewer, Water & Lighting Dept.**

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

**WHEREAS**, funds have been allocated in the 2008 budget for seasonal help in the Sewer, Water & Lighting Department. One application has been received, but there is one position still open.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the advertisement in the Orchard Park Bee, for summer help in the Sewer, Water & Lighting Department, at an hourly rate of \$8.00-\$10.00 per hour, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #3 Appointment to Assistant Chief of Police in the Orchard Park Police Department**

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

**RESOLVED**, that the Town Board does hereby appoint Ted Gura to the Position of Assistant Chief of Police in the Orchard Park Police Department, effective April 28, 2008, as recommended by the Chief of Police, Andrew Benz.

Chief Benz stated Lt. Gura has been with the Police Department for over 30 years, a Lieutenant for 18 years, and has been the day shift supervisor for the last ten years. He was instrumental in the formation of the Emergency Response Team, which was started in 1992, and had been assistant commander on that team until 2004. Chief Benz thanked Lt. Gura for all his past services and looks forward to working with him.

**The resolution was unanimously adopted.**

**New Business #4 Authorize the 2008 Public Stable Permit for Schott Stables, 6305 S. Abbott Road**

**12) 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 2008 Public Stable Permit for Schott Stables, 6305 S. Abbott Road, as recommended by the Building Inspector.

**The resolution was unanimously adopted.**



**New Business #5 Appointments to the 2008 Spring/Summer Staff to the Recreation Department**

13) 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 authorize the following 2008 Spring Staff Appointments to the Orchard Park Recreation Department, dependent upon the applicant providing the required certifications, as recommended by the Recreation Director.

Name	Address	Position	Title	Rate
Michael Guinan	Town of Amherst	PT2-B	Aide	\$9.00
Matthew Kielich	Town of Orchard Park	PT1-C	Aide	\$8.00
Derek Elvin	Town of Orchard Park	PT2-D	Aide	\$15.00

**The resolution was unanimously adopted.**

**New Business #6 Proclamation Designating April 22, 2008 as Earth Day**

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

**WHEREAS**, April 22, 2008, has been designated as Earth Day throughout the United States, and

**WHEREAS**, Earth Day provides an opportunity for all citizens to consider the impact of their activities on the environment and to explore more responsible alternatives, particularly with regard to methods of transportation, and

**WHEREAS**, prudent efforts at conservation will have a positive impact on the emission of pollutants and other gases that contribute to the problem of global warming, and

**WHEREAS**, numerous organizations have agreed to promote a conservation initiative for Earth Day 2008, whereby commuters are encouraged to carpool, bike, walk, or take mass transit on a large scale, and

**WHEREAS**, global warming threatens to impair the quality of life in America and in the Town of Orchard Park.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town of Orchard Park does hereby declare its support of and solidarity with the 2008 Western New York Earth Day Initiative, which seeks to encourage alternative approaches to transportation ([www.goodgoingwny.com](http://www.goodgoingwny.com)) and be it further

**RESOLVED**, that the Town of Orchard Park shall register its participation in the 2008 Western New York Earth Day Initiative, and thereby join the University at Buffalo, Canisius College, Daemen College, the City of Buffalo, the Town of Orchard Park, and more than 200 participants in this program, and be it further

**RESOLVED**, that the Town Board does hereby encourage all Town employees to use alternative methods of transportation, including but not limited to walking, bicycling, mass transportation, and carpooling, and be it further

**RESOLVED**, that all residents of the Town of Orchard Park hereby urged, on a voluntary basis, to employ alternative transportation methods whenever possible, starting on Earth Day and continuing thereafter throughout the year.

**The resolution was unanimously adopted.**

**New Business #7 Proclamation Recognizing Paul Barnas as the OP Republican of the Year**

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

**WHEREAS** Paul D. Barnas has been named the 2008 Republican of the Year by the Orchard Park Republican Committee; and

**WHEREAS**, Paul, as a lifelong resident of Orchard Park, has given his tireless support to Republican values and causes; and

**WHEREAS**, Paul served on the Town Board as a Councilman from 1987 to 1997, and was instrumental in developing the Community Compost Center and other recycling programs including the development of grant applications for composting equipment, worked for the expansion of the recreation facilities and the development of the Orchard Park Little League, developed specifications for brush pickup contracts, contributed to the development of town budgets reflecting tax decreases for our residents, participated in labor negotiations between the town and highway department; and

**WHEREAS**, Paul received the "Outstanding Service Award" from Quaker Athletics for his active role in forming that organization; and

**WHEREAS**, Paul has served in a number of community organizations, most notable, the Lions Club International where he was District Governor from 1998-1999. He oversaw a \$200,000 grant from that organization to expand Lions Quest Training opportunities in New York State, which prepare teachers, administrators, and members to conduct school-based, comprehensive, positive youth development and prevention programs which unite home, school, and community to cultivate capable and healthy young people of strong character, through life skills, character education, civic values, drug prevention, and service-learning education; and

**WHEREAS**, Paul has been awarded several Lions Club International honors including the "Substance Abuse Program Award", the Environmental Award", District Governor of District 20N, "President's Award for Quest Program" the "Robert J. Uplinger Distinguished Service Award" two "100% President's Awards" and the "Melvin Jones Award" – the highest honor bestowed by the Lions Club International; and

**WHEREAS**, Paul has served as a member of the Orchard Park Odd Fellows (1980-1989), as a member of the Orchard Park Chamber of Commerce, receiving the "Director's Award" for his work in developing off-street Village parking, is currently a active member of the Orchard Park Legion Post #567 since 1985, having served in the United States Army, discharged with honor; and

**WHEREAS**, Paul has worked extensively on many local, regional, state and federal campaigns for elective office; and

**NOW THEREFORE BE IT,**

**RESOLVED**, that the Town Board of Orchard Park thanks PAUL. D BARNAS for his years of generous service to his community, region, and country, and congratulates him on his receipt of the 2008 Orchard Park Republican of the Year Award.

**The resolution was unanimously adopted.**

**New Business #8 & 9 Refer the Planning Board and/or Conservation Board**

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

- Western New York Urology Associates, LLC, 500 Sterling Park, Zoned I-1, located on the West side of Sterling Park. Applicant is requesting a Building Permit to construct a 2,750 +/- square foot addition to the existing building
- Donald Schutt, 168 Thorn Avenue; Proposing a 1600 sq. ft. addition to the existing building, GraphCon, Inc.

**The resolution was unanimously adopted.**

**New Business #10 Refer to the Public Safety Committee:**

17) 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 refer to the Public Safety Committee the following item listed on the agenda: Ms Alexis Knavel requesting a review of the parking situation at the Burmon Playground Community. She believes the parking lot is not big enough to hold all the cars while the playground is being used. She states cars are parked up and down the street.

**The resolution was unanimously adopted.**

**Business from the Floor**

The following individuals spoke this evening and expressed their opinions about Quaker Crossing, Wal-Mart, Smokes Creek, reducing government and other various matters within the Town; John Marlow, Sal Cerrone, Kathy Gorcorwitz, Mary Ann Grenda, John Klubeck, Nathan Diegelman, Jayne Schumacher, John Marlow.

**Elected Officials & Department Heads**

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

**WHEREAS**, the Town has been successful in obtaining a grant for the purchase of certain office equipment, furniture, security equipment and audio equipment for the Courts, and

**WHEREAS**, the Town did not include either the grant revenue or the appropriations to provide these additional purchases in the year 2008 adopted budget, and

**WHEREAS**, the Town does desire to purchase the additional equipment with such grant funds

**NOW, THEREFORE, be it**

**RESOLVED** that the Town Board does hereby authorize the amending of the 2008 adopted budget to authorize additional appropriations and estimated revenues of \$25,100.99:

**Increase Appropriations:**

A.111.0462 Town Justice – Ct. Asst. Prog. Expense \$25,100.99

**Increase Estimated Revenues:**

A.0000.330 General – Court Asst. Program Grant \$25,100.99

**The resolution was unanimously adopted.**

Councilman Dietrich discussed the growing importance of the Sales Tax revenue to the Town, as per the Town's account, and he feels that the County's formula for distribution of the Sales Tax should be revised.

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

**WHEREAS**, the NEI Waste Services contract for collection of solid waste in the Town of Orchard Park will expire on December 31, 2008 and

**WHEREAS**, the Town of Orchard Park is entitled, pursuant to the terms of the contract, to renew the contract for a one year period commencing January 1, 2009

**NOW, THEREFORE, be it**

**RESOLVED**, that this Town of Orchard Park hereby exercises its option to renew the contract with NEI Waste Services for solid waste collection for a one year period commencing January 1, 2009 through December 31, 2009, and be it further

**RESOLVED**, that the Town Clerk is directed to forward a certified copy of this Resolution to NEI Waste Services.

**The resolution was unanimously adopted.**

Highway Superintendent stated that the Compost Site Open House and Free Mulch Day is May 10, 2008.

**20) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR TRAVERS MURPHY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN DIETRICK, 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	\$114,186.50
Part Town Fund	\$2,601.33
Risk Retention	\$1,426.60
Cemetery Fund	0
Highway Fund	\$24,259.94
Special Districts	\$133,912.32
Trust & Agency	\$4,183.41
Capital Fund	\$79,717.86

**The resolution was unanimously adopted.**

**21) 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 receive and file the following report; Building Inspector's Monthly Report & Building Permits for March 2008.

**The resolution was unanimously adopted.**

Councilman Kaczor announced that due to the filing for Bankruptcy of the Southdown Citizen, at the Town Board's last work session the Orchard Park Bee was made the official newspaper for Orchard Park. Therefore all future notices, legals, publications, etc will be in the Orchard Park Bee.

There being no further business, on motion by Supervisor Travers Murphy, seconded by Councilman Kaczor, to wit: the meeting was adjourned at 8:05 PM (local time).

**Respectfully Submitted,**



**Janis A. Colarusso**  
Town Clerk

