

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 18th day of April 2007 at 7:00 P.M., (local time). The meeting was called to order by the Supervisor and there were:

PRESENT AT ROLL CALL:	Mary Travers Murphy	Supervisor
	David Kaczor	Councilman
	Mark Dietrick	Councilman
	Deborah Yeomans	Councilwoman
	Janis Colarusso	Town Clerk
	Leonard Berkowitz	Town Attorney
	Andrew Geist	Building Inspector
	Andrew Benz	Assistant Chief of Police
	Frederick Piasecki, Jr.	Highway Superintendent
	Wayne Bieler	Town Engineer
ABSENT:	Nancy Ackerman	Councilwoman
	Samuel McCune	Chief of Police

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 COUNCILWOMAN YEOMANS, TO WIT:

RESOLVED, that the minutes of the Meeting of the Town Board held on April 4, 2007 and the Executive Session Minutes for February 28, 2007 and April 4, 2007, as presented by the Town Clerk, are hereby approved, and be it further

RESOLVED, the Executive Session Minutes for April 11, 2007 is hereby tabled until Councilwoman Ackerman has an opportunity to review them, 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.

Old Business #1 Award the Contract for the Brush Pick-Up

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

WHEREAS, sealed bids were received for the "Brush Pickup Contract" on the 18th day of April 2007 in the Town Clerk's Office, and

WHEREAS, all bids received were opened and read aloud at 11:00 AM (local time) on the 18th day of April 2007, in the Town Board's Conference Room at the Municipal Center located at S4295 South Buffalo Street, Orchard Park, New York.

NOW THEREFORE, be it

RESOLVED, that the Town Board does hereby award the bid for the Brush Collection to Buffalo & Orchard Park Top Soil, 3340 N. Benzing Road, Orchard Park NY 14127, in an amount not to exceed the following:

Option #2 – Three Year Contract, as recommended by the Highway Superintendent.

Year #1 May 1 through October 31, 2007 (6 months)	\$78,000.00
Year #2 May 1 through October 31, 2008 (6 months)	\$81,500.00
Year #3 May 1 through October 31, 2009 (6 months)	\$84,000.00

The resolution was unanimously adopted.

New Business #1 Authorize Supervisor to Sign SPDES General Permit for Storm Discharges MS4's

3) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN KACZOR, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN DIETRICK, 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. This will be the Town's fourth annual report to the NYSDEC, and

WHEREAS, the 2006-2007 copy of the draft annual report will be placed in the Town Clerk's Office for public review and comment, and a draft copy will also be forward to the Town Board, Building Inspector, Highway Superintendent and the 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-02-02, Municipal Compliance Certification, and be it further

RESOLVED, that the Town Board does hereby schedule a Public Information Meeting for Wednesday, May 16, 2007 at 7:00 PM, to receive public comment on the Draft Stormwater Phase II annual report, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #2 Authorize the Supervisor to sign an Agreement with Empire GEO Services

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

WHEREAS, the Town received the purchase agreement for the Holmes & Murphy Property off Thorn Avenue, and a site investigation must be performed prior to closing on this land acquisition, and

WHEREAS, at the direction of the Town Board, the Town Engineer negotiated a scope of work and fee for professional services with Empire GEO Services, Inc. to complete a Modified Phase 1 Environmental Site Assessment (ESA) to evaluate the potential for possible environmental degradation, which may have occurred as a result of the use, storage or disposal of compounds/materials at the property in question or from surrounding adjacent sites.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an Agreement with Empire GEO Services, Inc., 5167 South Park Avenue, Hamburg NY 14075, to provide professional services to complete a Modified Phase 1 Environmental Site Assessment at the Holmes & Murphy Property off Thorn Avenue for a lump sum fee of \$1,900.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #3 Authorize the Supervisor to sign an Agreement with C&S Engineers

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

WHEREAS, the consultant selection process for the Highway, Composting and Park Facilities Improvements has been completed and seven engineering firms responded to the Town's Request for Qualifications, and

WHEREAS, after review of the qualifications submitted, the consultant selection committee decided to request additional submittal information from one firm. The selection committee reviewed all the prospective firms' proposals. Consultant selection was based on the qualifications demonstrated in the written request for qualifications, and

WHEREAS, the Highway services consisted of development of a site master plan, evaluation and design of various building components, preliminary and final design of an addition to the highway garage and dog control building, as well as various drainage and sanitary sewer improvements. The construction costs are estimated at \$150,000 Highway and Sewer & Water Bldgs., \$40,000 Dog Pound Addition, \$125,000 Highway Site Utility Improvements, and

WHEREAS, the Composting Facility services consisted of the preliminary and final design of two pre-engineered pole barns, evaluation of the irrigation system, and design of approximately 1100 lf extension of six-inch waterline & 400 lf of two inch waterline. The construction costs are estimated at \$225,000 for Compost Storage Facility Buildings and \$60,000 for Compost Site & Milestrip Sports Park waterline hydrant work, and

WHEREAS, Yates Park services included the preliminary and final design of a splash pad, replacement for the restroom/guard house building and approximately 2000 lf. extension of six-inch watermain. Orchard Park Highway has agreed to demolish the existing restroom/guard house building and construct the splash pad this summer as soon as the design is complete. The Restroom/Guard House building will be reconstructed throughout the summer with completion this fall. The construction costs are estimated at \$200,000 for Yates Park Splash Pad and Building and \$150,000 for Park Waterline/Hydrant/Building.

WHEREAS, the committee selected the engineering firm of C&S Engineers, Inc. to be the Town's consultant for the Highway, Composting and Yates Park Facilities Improvements, and

WHEREAS, the work has been organized into a lump sum fee inclusive of travel expenses. Bid documents reproduction will be treated as a reimbursable expense on the basis of actual cost plus ten percent markup. It was anticipated an allowance of \$2,000 to \$3,000 would be appropriate for bid documents for these projects. The plans, specifications and bid documents for all buildings will be prepared for the Buildings per wicks law (General, HVAC, Electrical, Plumbing bids). The site utilities (sanitary sewer, waterline, stormwater) work will be bid separate, and

WHEREAS, there is presently \$316,932.15 plus interest allocated in the Capital Reserve under H05 Highway Bldg. Repair/Expansion & Addition which as mentioned during the January Capital project meeting could be possibly \$40,000 short, and

WHEREAS, there is presently \$957,278.37 plus interest under H42 Compost Site Acquisition & Development for the compost waterline and building and \$15,000 plus interest remaining under H39 Milestrip Road Recreation Area for the Park waterline, and

WHEREAS, there is presently \$1,358,347.45 plus interest allocated in the Capital Reserve under H48 District Wide Water Improvements and \$201,165.00 plus interest under H46 Parks Equip. Acquisition for the waterline, splash pad and restroom/guard house building at Yates Park.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an Agreement with C&S Engineers, Inc., 90 Broadway, Buffalo, New York 14203, to provide engineering services in connection with the Highway, Composting and Yates Park Facilities Improvements in an amount not to exceed \$98,500.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #4 Authorize the Supervisor to sign an Agreement w/National Fuel/6909 Milestrip Rd

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

WHEREAS, on March 29, 2007, the Town Engineer distributed a memorandum describing the options and associated costs to install natural gas service to the Milestrip Road, Soccer Complex and Compost Facility to service the Milestrip Sports Park Pavilion, compost office trailer & pole barn, the costs being \$3,789.42, \$2,743.03 and \$3,585.66 respectfully.

WHEREAS, with the 2007 soccer season fast approaching, the Town must move forward on this decision and have the service installed so the building can be placed into service and the landscaping restoration can be completed before the season is in full swing. All paved areas will be directionally drilled, therefore limiting the restoration cost by the Highway Department to only grading and seeding.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the National Fuel Authorization Forms and submit \$10,118.11 to install 1,479' of 2" mainline & 273' of 1 1/8" service line to the newly constructed soccer pavilion, office trailer and pole barn. An additional \$1,520.00 in security deposits may be required when the meters are installed and the lines are placed into service (National Fuel decision), as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #5 Authorize the Supervisor to sign a Utility Work Agreement for NYSDOT Project

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

WHEREAS, New York State Department of Transportation will be reconstructing portions of US Route 20, Southwestern Blvd., US Route 62 to NY Route 240/277. As part of this work, some of the Town owned facilities/infrastructure will have to be adjusted or relocated. The Engineering Department has received a request from the NYSDOT to authorize them to perform this work at no cost to the Town, and

WHEREAS, New York State Department of Transportation proposes the construction, reconstruction, or improvement of US Route 20, Southwestern Blvd. in the Town of Orchard Park, PIN #5111.69, and the State will include as part of this project the relocation and adjustment of watermains and appurtenances, pursuant to §10, Subdivision 24, of the State Highway Law, as shown on the contract plans relating to the project and meeting the requirements of the owner, and the service life of the relocated and or replaced utilities has not been extended, and the State will provide for the reconstruction of the above mentioned work.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Orchard Park approves the relocation of, and adjustment to, their watermains and appurtenances and the above mentioned work performed on the project as shown on the contract plans relating to the project, and that the Town of Orchard Park will maintain or cause to be maintained the adjusted facilities performed, as above stated, and with 12 in. waterline being relocated along the R./P/W/, not in the pavement as shown on the contract plans, and be it further

RESOLVED, that the Town of Orchard Park will maintain, or cause to be maintained, the adjusted facilities performed, as above stated, and with waterline being relocated along the Right of Way, not in the pavement as shown on the contract plans, and be it further

RESOLVED, that the Town Supervisor has the authority to sign, with the concurrence of the Town Board, any and all documentation that may become necessary as a result of this project as it relates to the Town of Orchard Park, and be it further

RESOLVED, that the Town Clerk of the Town of Orchard Park is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation, and be it further

RESOLVED, that the Town Board does hereby authorize the Supervisor to act as the Municipal Official to enter into agreement with the New York State Department of Transportation for the Route 20, Southwestern Blvd. Reconstruction Project (PIN: 5111.69), and be it further

RESOLVED, that the Town Board does hereby grant the New York State Department of Transportation authority to have their contractor adjust/relocate certain portions of identified Orchard Park utilities/infrastructure at no cost to the Town, in which maintenance will revert back to the Town of Orchard Park/ECWA, and be it further

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the utility work agreement (REF. #8A) with the New York State Department of Transportation for the Rte. 20, Southwestern Blvd. Reconstruction Project (P.I.N. #5111.69) that allows the NYSDOT to pay for the relocation or adjustment of the facilities, and be it further

RESOLVED, that the Town Board does hereby acknowledges and approve the "Special Note" in regards to coordination with the utility schedule.

The resolution was unanimously adopted.

New Business #6 Approve Excavation Permit #2007-01 for Meadow Wood Townhouses

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

WHEREAS, the Town Engineering Department has received from Mr. Walter Schmidt, 13356 Clinton Street, Alden, New York 14004, an application for an Excavation Permit to increase the fill stockpile to 30,000 cubic yards at the Proposed Meadow Wood Townhouses on California Road. This is the second Excavation Permit for this site, and

WHEREAS, additional fill is now being generated by the Buffalo Creek Site Development from the construction of Fox Run on Big Tree Road which is presently under construction, and

WHEREAS, the Town Engineer has reviewed the plan and has found it acceptable per Town Code and all necessary fees and bonds have been received

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Excavation Permit #2007-01 to stockpile 30,000 cubic yards of fill at the Proposed Meadow Wood Townhouses on California Road, and be it further

RESOLVED, that the Town Board does hereby authorize the release of the \$2,000 bond surety for the Excavation Permit #2006-02 to stockpile up to 1,500 cubic yards of fill at the Proposed Meadow Wood Townhouses on California Road.

The resolution was unanimously adopted.

New Business #7 Adopt the Traffic Order for Quaker Crossing Complex

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

WHEREAS, upon recommendations from the Chief of Police and the Highway Superintendent, and Pursuant to the Authority under Section 1660 of the Vehicle and Traffic Law of the State of New York.

NOW, THEREFORE, it is hereby

ORDERED, that four (4) "Stop" Signs be erected, effective immediately, within the Town of Orchard Park, outside the incorporated Village of Orchard Park, at the following locations:

- For northbound on Amelia Drive at the intersection of the Ashley Furniture driveway – two signs to be erected with one on the east right of way and one in the raised traffic island on Amelia Drive.

- For southbound on Amelia Drive at the intersection of Carley Jane (private roadway) – two signs with one on the west right of way and one on raised traffic island on Amelia Drive.
- For traffic exiting the Ashley Furniture driveway onto Amelia Drive. One sign on the north right of way.
- For traffic exiting Carley Jane (private roadway) onto Amelia Drive. One sign on the south right of way.

And be it further

ORDERED, that three (3) “**Speed Limit**” Signs be erected, effective immediately, within the Town of Orchard Park, outside the incorporated Village of Orchard Park, at the following locations:

- A linear speed of 35 mph be posted on Amelia Drive from SR 179 to Amanda Lane.
- A linear speed of 35 mph be posted Mid-County Drive from SR 179 to SR 20.
- A 15 mph area speed limit signs be posted on Amelia Drive at the Target Store and on Carley Jane (private road) at Amelia Drive. Final placement to be determined by the Chief of Police, Highway Superintendent and owner of the complex.

And be it further

ORDERED, that the Superintendent of Highways, is hereby directed to post the proper and necessary sign(s) at said location.

The resolution was unanimously adopted.

New Business #8 Approve the 2007 Stable Permits for Schott Stable & Sandybrook Farm

10) 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 approve the following 2007 Stable Permit(s), as recommended by the Building Inspector: Schott Stables, 6305 S. Abbott Road and Sandybrook Farm & Stable, 6265 Powers Road.

The resolution was unanimously adopted.

New Business #9 Appointments for the 2007 Spring Staff at the Orchard Park Recreation Dept

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

RESOLVED, that the Town Board does hereby authorize the following Spring 2007 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
Elizabeth Imbirowicz	Town of Orchard Park	PT1-C	Att.
Walter Donner	Town of Orchard Park	PT1-C	Lg.
Rachel Hedges	Town of Orchard Park	PT1-C	Lg.
Lauren Reddington	Town of Orchard Park	PT1-C	Lg.
Chelsea Hojnacki	Town of Orchard Park	PT1-C	Lg.
David More	City of Buffalo	PT6-D	Att.
Samantha Gajewski	Town of Lancaster	PT2-B	Lg.
Stephanie Pericozzi	Town of Lancaster	PT2-B	Lg.
Kathleen Goodman	Town of Orchard Park	PT2-B	Aide
Samantha Wlostowski	Town of Depew	PT2-B	Att.

The resolution was unanimously adopted.

New Business #10 Orchard Park Insurance Review Committee Findings

At this time the Town of Orchard Park Insurance Review Committee, represented by Ms. Jo Ann Litwin, presented their findings to the Town Board. Ms. Litwin stated that William McNamara and Agent of Record, Raymond Stromecki, were also here to answer any questions.

The Insurance Review Committee reported a premium and coverage comparison of the last 3 years for the Town of Orchard Park, and gave copies of this report to the Town Board. The following are the bottom-line premiums paid excluding workers compensation and coverage variances: 2005-2006 premium \$458,480, 2006-2007 premium \$369,070, 2007-2008 proposed premium \$337,226. During the 2006-2007 term coverage was moved from the primary carrier Hartford to Selective for monetary savings of \$13,435, as the quote from Hartford for the renewal was \$382,505. However, there were discrepancies in coverage as follows: The Town reduced supplementary uninsured motorist coverage from \$1,000,000 to \$50,000, Medical Payments coverage of \$10,000 was eliminated from all properties except the Municipal Building which was reduced to \$5,000, the Police Professional liability deductible was increased from \$15,000 to \$25,000.

The IRC recommends the following items be reviewed by the Town of Orchard Park –

1. Review Supplementary Uninsured Motorist Coverage
2. Insure the Selective Renewal is issued without the Athletic Sport Participation Exclusion
3. Set up a Reserve Fund for the \$25,000 liability deductible and lack of Medical Payments Coverage
4. Eliminate the Fiduciary Liability coverage
5. Review Police Professional Deductible
6. Procure a review procedure for Certificate of Insurance
7. Review the Reserve Fund for the Workers Compensation Program

The Insurance Review Committee will continue its work on the procurement procedure, continue review of coverage, and reserve requirements for the Town of Orchard Park.

At this time, William McNamara of the IRC came forward and thanked Mr. Stromecki and his staff for all their help and for appraising every property that the Town carries insurance on to make sure the proper limits are in place. Mr. McNamara stated that one of the areas that most people do not understand is why insurance rates fluctuate, while the risk factor does not change that much. One reason is that the insurance industry more or less feeds off the investment industry. When the stock market and the economy is healthy, the insurance business looks to expand business, to get more business to invest. They basically hedge their bets that they will make enough money in the stock market to cover future claims. As the market and the economy fluctuate, so do insurance premiums. The second reason is 9-11, which affected every municipality.

Councilman Kaczor asked why the insurance business should or should not be bid out every year. Mr. McNamara stated that bidding out every year is not a wise choice as there are only four carriers that offer insurance for a small municipality, and if you bid every year, you would not get as aggressive pricing. It is also important to have a relationship with a carrier, so that when issues arise the insurance companies are more likely to work with the municipality. The rule of thumb is to bid out every three or four years.

The Town Board thanked everyone on the Insurance Review Committee for their dedication and help.

New Business #11 Proclamation declaring April to be National Kite Month

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

WHEREAS, kite flying is family friendly, nonpolluting, healthy, educational, outdoor oriented, and fun, and

WHEREAS, kite flying and kite fliers, from Benjamin Franklin to Charlie Brown, are a constructive and quintessential part of our own American culture, and

WHEREAS, kites have made significant contributions to the arts, science, mathematics, cultural awareness, and history, and

WHEREAS, the American Kite fliers Association and the Kite Trade Association International have designated April to be National Kite Month, and are promoting kite festivals and kite workshops across the entire country, and

WHEREAS, the 3rd Sunday Kite Fly sponsored by Great Lakes Kitefliers Society is planned for the 15th of April from Noon through to 4:00 PM at Gratwick Park, Town of Tonawanda.

NOW, THEREFORE, be it

RESOLVED, that the Town of Orchard Park, County of Erie, State of New York, encourages everyone to participate in the joy and excitement of kite flying and urges all citizens to Go Fly a Kite!

The resolution was unanimously adopted.

New Business #12 Proclamation for James Domagalski as Orchard Park Republican of the Year

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

WHEREAS, *James Domagalski* arrived in Orchard Park in the Blizzard of '77, setting the tone for his subsequent stellar career as an academic and athletic student in the Orchard Park school system, and

WHEREAS, *Jim* continued his academic prowess at the University of Notre Dame where he obtained degrees in government and economics. He attended Syracuse University Law School, from which he graduated in 1990, and

WHEREAS, *James Domagalski* commenced a distinguished career in the law in 1990 and he became a partner at Saperston & Day in 1997, and

WHEREAS, *James Domagalski* continues his career at Hiscock & Barclay as an expert in Construction, Employment, and Business Law and Municipal Litigation, and

WHEREAS, *Jim* served two terms as President of the Board of Trustees of the Leukemia & Lymphoma Society from 1992-2000, has served as the President of Roswell Park Community Holiday Card Project, and is currently a member of the Roswell park Alliance board, and

WHEREAS, he is past President of the Buffalo Bills Quarterback Club, he is past President of the Notre Dame Alumni of Buffalo & WNY, he is a past President of the Buffalo Advocates Club, and currently sits on the Mercy Hospital of Buffalo Board and is a member of Leadership Buffalo Class of 2001, and

WHEREAS, in addition to his impressive community service, Jim has been active in local politics, serving as a Congressional intern from Congressman Jack Kemp, serving Erie County Republican as Vice Chairman of Communication, and serving as the Town of Orchard Park Republican Chairman from 1997 through 2006, and

WHEREAS, *Jim's* chairmanship in Orchard Park was successful in uniting our local committee and focusing the mission of the committee to support the message of the Party, thus benefiting the residents of Orchard Park, and

WHEREAS, *Jim* continues to be committed to serving the residents of the Town of Orchard Park and to the values of the Republican Party, and

WHEREAS, it for these reasons and because of his continued passion for public service that Jim is being honored as the Orchard Park Republican of the Year.

NOW, THEREFORE, be it

RESOLVED, that the Orchard Park Town Board honors the life and work of Erie County Republican James Domagalski, and be it further

RESOLVED, that the Town Board congratulates his parents Mel and Millie Domagalski, both members of the committee, his wife Jennifer, and their wonderful sons Benjamin and Philip as Jim receives the Orchard Park Republican of the Year Award 2007.

The resolution was unanimously adopted.

New Business #13 Refer to the Planning Board and/or Conservation Board

14) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN YEOMANS, 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 items; Mr. & Mrs George Preshoff, 5721 Seufert Road. Request for a Perpetual Conservation Easement for 5.0 acres of land, and Dawn Bohn, 3021 Southwestern Boulevard. Requesting a Change-in-Use to "Dinner Dilemma" a meal assembly business for today's busy society (not listed on the agenda).

The resolution was unanimously adopted.

Elected Officials & Department Heads

Supervisor Travers Murphy stated that on Saturday April 21, Earth Day, the Town is going to do a clean up of the Chestnut Ridge Village Town Park. It is going to take place between 1:00 pm and 3:00 pm, and everyone is encouraged to come and help.

Councilwoman Yeomans stated that since the Town Board has not set a Public Hearing for the Town Ethics Guidelines, she proposed the idea of a Town Hall meeting for the citizens who might be interested in an open discussion regarding the Ethics Issues.

Councilwoman Yeomans stated that several people have approached her about being appointed to Town committees and wanted to know how to go about it. Currently she is working with the Supervisor's Administrative Assistant to define the process and protocol for residents to be appointed to these positions. Councilwoman Yeomans announced that if anyone is interested in serving on one of the Town's boards or committees, they should send a letter of interest, or intent, with a resume to the Supervisor's office.

At the last Town Board meeting Councilman Kaczor said that people were welcome to attend the Town Board work sessions held every Wednesday. She wanted to reiterate that these meetings are open to the public. Councilwoman Yeomans has some questions regarding the WalMart project for the Town. The Building Inspector stated that the project is still under review.

Councilman Deitrick stated that the Town Board has been asked by one of the Department Heads to give clarification as to having interaction with the Community during Town time. Councilman Deitrick stated he felt that it is appropriate for Town Department Heads to proactively interact and promote the efforts of our community action groups, the non-profit organizations, local business community and efforts on behalf of the children and the elderly.

Highway Superintendent, Fred Piasecki, stated that his department is continuing the clean up of the Town and that the new contractor for brush pick-up will start May 1st.

Town Engineer, Wayne Bieler, thanked the Parks Department for their clean up efforts in the Chestnut Ridge Village Park, due to the damage caused by the October Storm.

15) 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	\$135,766.86
Part Town Fund	\$490.30
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$28,549.65
Special Districts	\$109,754.86
Trust & Agency	\$1,083.00
Capital Fund	\$56,368.79

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

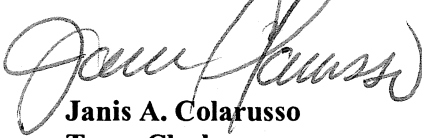
Paul Zielinski – Mr. Zielinski and his wife have previously sent letters to the Town asking the Police to enforce the law regarding loud motorcycles traveling through Town. They are again asking for the Town to monitor this situation.

Bob Frantsists – Mr. Frantsists commended the Planning Board on their handling the new apartment complex on California Rd., complained about the traffic situation on California Rd., and stated it is only going to get worse. He discussed a referendum for WalMart, but was told by the Town Attorney that there are specific things that can be put to referendum, and this is not one of them. He also discussed drainage problems.

Paul Gregorie – Mr. Gregorie stated that he is on the fence regarding WalMart. He can understand why it would be beneficial to Orchard Park from the tax point of view, but he is not sure that this area needs another WalMart. Mr. Gregorie stated that when the original Target plaza was being presented, it was stated that there would be a gate placed at N. Benzing Road and Amanda Drive to prevent additional traffic from the Plaza. That was never done and the traffic on Lake Avenue and the side streets has increase substantially. With the new store going in, there will be even more traffic on those roads. He feels that the gate to N. Benzing Road should be put in as it was stated when Target was approved.

There being no more business from the floor, on motion by Councilwoman Yeomans, seconded by Councilman Kaczor, to wit: the meeting was adjourned at 7:48 PM (local time).

Respectfully Submitted,



Janis A. Colarusso
Town Clerk