

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 20th day of April 2005 at 7:00 P.M., (local time). The meeting was called to order by the Supervisor and there were:

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| PRESENT AT ROLL CALL: | Toni M. Cudney | Supervisor |
| | Stanley A. Jemiolo | Councilman |
| | John J. Mills | Councilman |
| | Janis A. Colarusso | Town Clerk |
| | Leonard Berkowitz | Town Attorney |
| | Michael Sherry | Asst. Chief of Police |
| | Ronald A. Geitter | Highway Superintendent |
| | Wayne Bieler | Town Engineer |
| ABSENT: | Nancy W. Ackerman | Councilwoman |
| | David R. Kaczor | Councilman |
| | Andrew Geist | Building Inspector |
| | 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 SUPERVISOR CUDNEY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN JEMIOLO, TO WIT:

RESOLVED, that the minutes of the Town Board Meeting held on April 6, 2005, 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 a Public Hearing to hear all interested parties for or against the Proposed Conservation Easements for the following residents:

- Beverly Hammersmith, 6243 Benning Road, requesting a Perpetual Easement for 28.1 acres
- Richard Maul, 3735 Baker Road, requesting a Perpetual Easement for 16.5 acres

And, to authorize the Town Assessor to determine the valuation of the properties, taking into account the limitation on the future use of the land, imposed by such Conservation Easements.

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 Cudney asked if there was anyone in the audience who would like to speak for or against the applications for the Conservation Easement.

Comments from the floor: No One Spoke

2) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN JEMIOLO, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR CUDNEY, TO WIT:

RESOLVED, that the Public Hearing in the matter of the Proposed Conservation Easements for: Beverly Hammersmith, 6243 Benning Road, and Richard Maul, 3735 Baker Road, is hereby closed at 7:03 PM (local time).

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby accept the following Conservation Easements: Beverly Hammersmith, 6243 Benning Road, a Perpetual Easement for 28.1 acres of land and Richard Maul, 3735 Baker Road, a Perpetual Easement for 16.5 acres of land, as recommended by the Conservation Board, and be it further

RESOLVED, the Town Assessor is to determine the valuation of the properties, taking into account the limitation on the future use of the land, imposed by such Conservation Easements.

The resolution was unanimously adopted.

PUBLIC HEARING

At 7:07 PM (local time) the Supervisor called for the Public Hearing for the Town of Orchard Park to hear all interested parties for or against the Proposed Local Law which states as follows:

Amendment to Chapter 2 of Planning Board-Alternate Member. The Town Board hereby repeals §2-2(A) Chapter 2 entitled Legislative Intent. The Town Board hereby amends §2-2(A) as follows:

In the event that a Planning Board Member is, absent for any reason, an Alternate Member is hereby authorized to take the place of an absent Planning Board Member. In order for the Alternate Member to qualify to take the place of an absent Planning Board Member, that Alternate Member must have been appointed at least one (1) year prior to the date he first acts as a voting Member.

The Town Board hereby repeals §2-4(B).

The Town Board hereby amends §2-4(B) as follows: Alternate Members of the Zoning Board of Appeals shall be appointed by the Town Board for a term of three years, with the term to expire on December 31, of the third year after the date of the appointment. Alternate Members of the Planning Board shall be appointed by the Town Board for a term of one (1) year, with the term to expire on December 31 of each year.

Affidavits of Publication and Posting of the Legal Notice of the Public Hearing were presented, read aloud and filed with the Town Board by the Town Clerk of the Town of Orchard Park. All persons concerned with or interested in the above proposal will be given the opportunity to be heard at the public hearing.

Comments from the floor: No One Spoke

4) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN JEMIOLO WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR CUDNEY, TO WIT:

RESOLVED, that the Town Board of the Town of Orchard Park does hereby move to close the Public Hearing in the matter of the Proposed Local Law for the Year 2005 at 7:08 PM (local time).

The resolution was unanimously adopted.

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

WHEREAS, following due and timely notice a Public Hearing relating to the matter of a Proposed Local Law for 2005, "Amendment to Chapter 2 of Planning Board-Alternate Member", was conducted at the Orchard Park Municipal Center on April 20, 2005, at which time all interested parties were given an opportunity to be heard

NOW, THEREFORE, be it

RESOLVED, that the Town Board is hereby authorized to adopt Local Law #1 for the Year 2005 which provides as follows:

Amendment to Chapter 2 of Planning Board-Alternate Member. The Town Board hereby repeals §2-2(A) Chapter 2 entitled Legislative Intent. The Town Board hereby amends §2-2(A) as follows:

In the event that a Planning Board Member is, absent for any reason, an Alternate Member is hereby authorized to take the place of an absent Planning Board Member. In order for the Alternate Member to qualify to take the place of an absent Planning Board Member, that Alternate Member must have been appointed at least one (1) year prior to the date he first acts as a voting Member.

The Town Board hereby repeals §2-4(B).

The Town Board hereby amends §2-4(B) as follows: Alternate Members of the Zoning Board of Appeals shall be appointed by the Town Board for a term of three years, with the term to expire on December 31, of the third year after the date of the appointment. Alternate Members of the Planning Board shall be appointed by the Town Board for a term of one (1) year, with the term to expire on December 31 of each year.

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

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|-----------------------|--------|
| Supervisor Cudney | Aye |
| Councilwoman Ackerman | Absent |
| Councilman Jemiolo | Aye |
| Councilman Kaczor | Absent |
| Councilman Mills | Aye |

The resolution was duly adopted.

Old Business #1 Award Bid for Recreation Software

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

WHEREAS, the Town of Orchard Park did receive and open bids for the "Recreation Department Software" on April 8, 2005 in the Supervisor's Conference Room

NOW, THEREFORE, be it

RESOLVED, that the Town Board is hereby authorized to award the bid for the "Recreation Department Software" to RecWare, 21 Winter Street, Peabody, MA 01960, in an amount not to exceed \$13,639, as recommended by the Recreation Director.

The resolution was unanimously adopted.

Old Business #2 Walh Performing Arts Center request for a Building Permit

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

WHEREAS, the Town Board has reviewed the Planning Boards minutes and stipulations for the Walh Performing Arts Center Project, and

WHEREAS, the Town Board has found that there are portions of this project they would like to review.

NOT, THEREFORE, be it

RESOLVED, that the Town Board does hereby table this request, and be it further

RESOLVED, that the Town Board does hereby refer this project back to the Planning Board for clarification on the buffering at the rear of the property and to determine the type of trees are to be planted in the landscape plan.

The resolution was unanimously adopted.

Old Business #3 Set Public Hearing for rezoning request by Hoss, Inc. for a Townhouse Project

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

RESOLVED, that the Town Board is hereby authorized to schedule a Public Hearing for May 18, 2005 at 7:00 PM regarding the request of Hoss, Inc. to rezone 12.4 +/- acres west of Deacon Road and north of Webster Road from R-2 to R-3 for a Townhouse project, and be it further

RESOLVED, that the Town Clerk is hereby directed to publish due notice thereof in the official newspaper of the Town.

The resolution was unanimously adopted.

Old Business #4 Conservation Easement

9) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR CUDNEY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN JEMIOLO, TO WIT:

WHEREAS, a Public Hearing was held on April 6, 2005 regarding the request for a Conservation Easement at 6387 South Abbott Road by Ronald & Amy Banks

NOW, THEREFORE, be it

RESOLVED, that the Town Board is hereby authorized to deny the request of Ronald & Amy Banks for a Conservation Easement, as recommended by the Conservation Board.

The resolution was unanimously adopted.

New Business # 1 Authorize Supervisor to sign grant application for survey of Historic Properties

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign and file an application for funds from the Preservation League of New York State and the New York State Council on the Arts in Accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$15,000, and upon approval of said request to enter into and execute a project agreement with the Preservation League of New York State and the New York State Council on the Arts for such financial assistance to the Town of Orchard Park to conduct a Cultural Resource Survey, and be it further

RESOLVED, that the Town of Orchard Park will provide cash and in-kind goods and services as matching funds, as per the grant application budget, not to exceed \$5,000.00.

The resolution was unanimously adopted.

New Business # 2 Authorize Supervisor to sign contact with Biel's Information & Technology Sys.

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

WHEREAS, the Police Department has been awarded a Local Government Records Management Improvement Fund (LGRMIF) grant for \$13,935 to microfilm and digitize accident and police reports through the calendar year 2004, and

WHEREAS, Biel's Information Technology Systems has submitted the lowest responsible bid for this project at \$14,766.46, and

WHEREAS, any additional funds needed for this project would be appropriated from the Police Department budget

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign a contract with Biel's Information Technology Systems for the microfilming and digitizing of the Police Department's accident and police reports through the year 2004, in an amount not to exceed \$14,766.46, as recommended by the Chief of Police.

The resolution was unanimously adopted.

New Business #3 Authorize Detectives Norman, and Wehrfritz to Attend Seminar

12) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR CUDNEY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN JEMIOLO, TO WIT:

RESOLVED, that the Town Board does hereby authorize Detectives Thomas Norman, and E. Joseph Wehrfritz to attend the "Cross Border Investigations Seminar", April 20 & 21, 2005, in Niagara Falls, New York at Town Expense, as recommended by the Chief of Police.

The resolution was unanimously adopted.

New Business #4 Schedule Police Auction

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

RESOLVED, that the Town Board does hereby authorize the Chief of Police to hold an Auction, May 14, 2005, at 10:00 AM, behind the Police Department of the Orchard Park Municipal Building, 4295 South Buffalo Street, to auction unclaimed bicycles and other items, and be it further

RESOLVED, that the Town Clerk is hereby directed to publish due notice thereof in the official newspaper of the Town.

The resolution was unanimously adopted.

New Business # 5 Release of Performance Security and Maintenance Bond for PIP #98-04

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

WHEREAS, on March 4, 1998, the Town Board granted approval of Public Improvement Permit # 1998-04 for the Abbott Road Sanitary Sewer Connection Manhole, in which Performance and Maintenance Securities, in the amounts of \$200 and \$1000, respectively, were paid, and

WHEREAS, the applicant has since completed his work, which was inspected by the Engineering Department and found to be in compliance with Town specifications

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Town Clerk to release of \$200.00 and \$1,000.00 held in escrow under PIP #98-04, Quaker Estates Apartments Sanitary Manhole, for the Performance Security and Maintenance Security to Roy L. Emerling of 427 Mill Street, Inc., at P.O. Box 204, Boston New York 14025, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #6 Public Information Meeting for Baker Road Reconstruction Project

A resolution is not necessary for this, but the Town Board wanted everyone to be aware that a public information meeting for the Baker Road Reconstruction is to be held on Tuesday, April 26, 2005 at 7:00 PM in the basement meeting room of the Municipal Center.

New Business # 7 Appoint summer staff to the Engineering Department

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

WHEREAS, three Orchard Park engineering students, who show enthusiasm for the position and come highly, recommended, have applied for the 2005 summer help position in the Engineering Department:

- 1) G. Mark Soderholm Jr., is currently a Civil Engineering Student at ECC North, and has previous survey experience.
- 2) Adam Kern will be a senior Engineering Major at University of Buffalo, and interned with the Engineering Department in 2004.
- 3) Kyle O'Reilly is completing his first year at Notre Dame and is majoring in Engineering.

WHEREAS, in the past the Engineering Department has employed two summer help positions, but with the current work load of the Department, and the construction activity of the Highway Department this year, the Town Engineer is requesting that all three applicants be employed as summer help for 2005 as there is enough money in the budget

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby appoint: Mr. G. Mark Soderholm, Jr., 55-1 Countryside Lane OP NY 14127; Mr. Adam Kern, 4360 South Taylor Road, OP NY 14127 and Mr. Kyle O'Reilly, 75 South Lane, OP NY 14127 to seasonal positions in the Engineering Department for approximately a fifteen-week period beginning after May 9, 2005 at a wage rate of \$7.50 and hour, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #8 Authorize Supervisor to sign agreement with Abate Assoc. Engineers & Surveyors

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

WHEREAS, three professional firms responded to the Town's Request for Qualifications for the Bridge & Culvert Inventory Condition Study and the consultant selection process has been completed, and

WHEREAS, consultant committee selected the engineering firm of Abate Associates Engineers & Surveyors, P.C. to be the Town consultant for the Bridge & Culvert Inventory and Condition Study, and

WHEREAS, the proposed scope of services and agreement by Abate Associates Engineering & Surveyors P.C. is satisfactory and will accomplish the goals of the project that were set forth by the Town

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with Abate Associates Engineers & Surveyors, P.C., 4455 Genesee Street, Buffalo NY 14225, to provide professional services for the Bridge & Culvert Inventory Condition Study and Replacement Design of Forest Avenue Bridge Project in an amount not to exceed \$98,500.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #9 Authorize Supervisor to sign agreement with Tallamy, VanKuren Gertis & Assoc.

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

WHEREAS, the Town of Orchard Park Engineering Department does not have enough in-house staff available for additional construction inspection on the Baker Road Reconstruction Project, therefore the assistance of a consultant engineering firm will be required for that purpose, and

WHEREAS, the Town is in receipt of a proposal from Tallamy, VanKuren, Gertis & Associates Consultants to provide the services of Mrs. Shirley Uhrich, who has worked for the Town in the past, for on site inspection, when required, at a billing rate of \$53.00 an hour, which includes expenses, overhead and profit

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with Tallamy, VanKuren, Gertis & Associates Consultants, 1000 Maple Road, Elma NY 14059, to provide additional inspection services, at a billing rate of \$53.00 an hour, on the Baker Road Reconstruction Project, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #10 Set Public Hearing for rezoning request by Diane & Joseph DeMarco

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

RESOLVED, that the Town Board is hereby authorized to schedule a public hearing for May 18, 2005 at 7:00 PM regarding the request of Diane and Joseph DeMarco to rezone vacant land at 3964 & 4000 California Road, from R-4 to I-1, and be it further

RESOLVED, that the Town Clerk is hereby directed to publish due notice thereof in the official newspaper of the Town.

The resolution was unanimously adopted.

New Business #11 Approve 2005 Stable Permit for Hammersmith Farms

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

RESOLVED, that the Town Board does hereby approve the 2005 Stable Permit for Hammersmith Farms, 6243 Benning Road, Orchard Park NY 14127, as recommended by the Town Building Inspector.

The resolution was unanimously adopted.

New Business # 12 Authorize Dog Control Officer to Attend Seminar

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

RESOLVED, that the Town Board does hereby authorize the Dog Control Officer, Dennis Buczkowski, to attend the New York State Animal Response Team Seminar on April 26, 2005 at the Erie County SPCA, and to note there is no expense for this training event.

The resolution was unanimously adopted.

New Business # 13 Authorize sign for HEART's Spaghetti Dinner

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

RESOLVED, that the Town Board does hereby approve the request of HEART (Heart Animal Rescue and Adoption Team) to post a Temporary Sign, from April 23 - May 3, 2005, outside the American Legion announcing their annual Spaghetti Dinner to be held Tuesday, May 3, 2005 from 4:00 PM to 7:30 PM, as recommended by the Building Inspector.

The resolution was unanimously adopted.

New Business # 14 Arbor Day Proclamation

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

Whereas, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

Whereas, trees are renewable resource giving up paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, be it

Resolved, that Toni M. Cudney, Supervisor of the Town of Orchard Park, does hereby proclaim May 14, 2005 as Arbor Day in the Town of Orchard Park, and she urges everyone to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and be it further

Resolved, that she and the Town Board Members urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations, and be it further

Resolved, that on May 14, 2005, free compost will be available to all the citizens of Orchard Park at the Milestrip Road compost site, from 9:00 A.M. to 3:00 P.M., and be it further

Resolved, that the Town is celebrating Earth Day on April 23rd and there will be a town wide clean up.

The resolution was unanimously adopted.

New Business # 15 Motorcycle Safety Awareness Proclamation

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

WHEREAS, motorcycle safety awareness is of critical importance to both riders and other potential victims; and

WHEREAS, in the past year, Erie County has experienced more than a dozen mishaps involving motor cycles, more than half ending in fatalities; and

WHEREAS, no single cause is to blame; and

WHEREAS, motorcycle safety awareness has been identified by Governor George Pataki, as well as other government officials, as a priority in traffic safety; and

NOW, THEREFORE, We, the members of the Town Board of the Town of Orchard Park declare the month of May 2005 as "Motorcycle Safety and Awareness Month" in our municipality; and

FURTHERMORE, we take note of the Saturday, May 7th assemble of area bikers sponsored by the Buffalo-Erie Chapter, American Bikes Aimed Toward Education (ABATE), at noon; and

FINALLY, we resolve that a copy of this proclamation be sent to Mr. Bob Kuhn, President of ABATE.

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby refer the request of Paul Hogan Jr., 3030 & 3050 Orchard Park Road, for a Change-In-Use from Auto Dealership to Medical Offices to the Planning Board and the Conservation Board.

The resolution was unanimously adopted.

ELECTED OFFICIALS AND DEPARTMENT HEADS

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

WHEREAS, the 1996 Ford Taurus assigned to the Supervisor has over 73,000 miles on it, and is badly rusted and in need of repair, and

WHEREAS, Delacy Ford, Inc. of 3061 Transit Road, Elma NY, the low bidder for the Ford Taurus vehicles for the Police Department, has one 2005 Ford Taurus available at the bid price of \$12,100.00, with the trade in,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the purchase of one 2005 Ford Taurus from Delacy Ford, for the Supervisor's office, at the cost of \$12,100.00, and be it further

RESOLVED, that the Town Board does hereby authorize a budget transfer of \$12,100.00 from the Risk Retention Fund to A.1220.0210 (other equipment), as requested by the Supervisor.

The resolution was unanimously adopted.

Supervisor Cudney announced that the Town has received a Parks, Recreation and Historic Preservation Grant for \$45,835.00 for the Jolls House. This grant will go towards a new roof and the installation of energy efficient exterior windows & doors. The improvements will take place this year. Supervisor Cudney stated that the Town has again received notice from the Government Financial Officers Association that it has received the Certificate of Achievement for excellence in Financial Reporting, one of the highest forms of recognition in the area of Government Financial reporting. She also wished to announce to the community that there are two new businesses coming into the Quaker Centre Industrial Park, and she wants to welcome Washington Safety Management Solutions Group (Headquarters) and Genius Tool, a Canadian company.

Councilman Mills stated that at the Sewer District #3 Board of Managers meeting this morning they discussed the Giant Hogweed plant. It is an attractive, large plant (looks like a 6 to 8 foot Queen Anne's Lace) which, if a person comes in contact with the sap, which gets into the blood stream and can cause swelling, burns, and lesions. It is nasty plant and if anyone does find one, contact the USDA department to get an experienced person out to take care of it. Councilman Mills also discussed a bacteria, called Liptospirosis, that is migrating into this area. It is spread through small wild animals and can be transmitted to humans, so if you come into contact with any small wild animals make sure that you wear gloves, or wash your hands thoroughly.

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

WHEREAS, the Town of Orchard Park did receive and open bids for "One New Utility Tractor" for the Highway Department on April 19, 2005 in the Supervisor's Conference Room,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby declare the Parks and Grounds 1956 Allis Chalmers tractor as surplus, and be it further

RESOLVED, that the Town Board is hereby authorized to award the bid for one "New Utility Tractor " to Lamb & Webster, Inc., Springville, NY for a Kubota M 6800 tractor in an amount not to exceed \$28,360 with the trade in, as recommended by the Highway Superintendent.

The resolution was unanimously adopted.

DEPARTMENT HEADS FROM THE FLOOR

No reports were given.

27) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR CUDNEY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MILLS, 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 | \$158,616.49 |
| Part Town Fund | \$6,658.31 |
| Risk Retention | \$0.00 |
| Cemetery Fund | \$0.00 |
| Highway Fund | \$68,824.73 |
| Special Districts | \$114,600.66 |
| Trust & Agency | \$7,544.85 |
| Capital Fund | \$6,497.01 |

The resolution was unanimously adopted.

Receive & File Report

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

RESOLVED, that the Town Board does hereby receive and file the following report: The Building Inspector's Monthly Report and Building Permits for March 2005.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Susan Munson, 4862 Bussendorfer: She presented a petition with over 250 signatures to the Town Board stating the following:

"Whereas there currently exists serious drainage problems throughout the "Bussendorfer Watershed" area, and, Whereas the current elected Town Board, and Town Engineer have publicly committed to resolving said drainage issues prior to authorizing new development and building in the affected area, Therefore, Let it be know that we the undersigned petitioners, residents of Orchard Park, and currently negatively impacted by said drainage problems do hereby demand that the Town of Orchard Park declare a Moratorium on any and all new building application and permits in the "Bussendorfer Watershed" area. Such area to include but not be limited to the following roadways: Bussendorfer, Pinewood, Willowbrook, Forsythia, Red Fox Lane, Alexander Way, Abbott Road, Middlesex, Schultz, Elmtree, Dorchester and Meadowlawn."

Susan Munson went on to say that the residents in *Bussendorfer Watershed Area* range from first time home buyers to life long residents, and all have been affected by this water problem. She stated that the Town Board is no stranger to the drainage problems in this area. She stated this issue has been studied, documented, acknowledged and yet largely ignored. The recommendations from these studies have been shelved in favor of expansion & growth. Now, with a development planned for this area, the residents do not want to stand by and see unfettered growth without a master drainage plan. She stated the residents want the Town Board to act on this request immediately. Mrs. Munson stated that at the September 15, 2004 Town Board Meeting, the residents were assured by the Town Board that this subdivision would not be given approval until the drainage issues were resolved.

Town Engineer Wayne Bieler, stated that the town-wide drainage study is a little behind, but the Bussendorfer Drainage Study is progressing quite well and they expect a draft final report from the consultant in four weeks. After the draft is received, it will take about two more weeks to fine-tune it. He stated the Army Corp of Engineers, the New York State Department of Environmental Conservation has to approve it, and the Town Board will have to make some decisions regarding the study as well. Mr. Bieler noted that the areas down Abbott Road are also affected by this drainage system and need to be considered in the final plans for improvements of the drainage systems.

Councilman Jemiolo stated, that after the Drainage Study is completed and reviewed, the Town Board will contact the residents and set up a meeting with the Town Engineer, Patrick Homes, and the residents to search for answers to the drainage problems in the Bussendorfer area, and figure out how to finance this project. Mr. Jemiolo said the Town Board is committed to finding out how to fix this area.

Supervisor Cudney talked about how Special Districts work, and said that there are legal restrictions on how Town monies may be used.

Councilman Mills stated that the 1985 study showed that improvements of the Bussendorfer water shed area would cost around two or three million dollars to complete, and that was too expensive for the people in that area to support. He stated if it was put to a town-wide referendum, people who were not affected, would not vote for it. Therefore, the Bussendorfer drainage has been put on the back burner. Now it is time to address these issues as this is a unique opportunity where the developer of the new subdivision is willing to help solve the drainage problem. He stated it is necessary to keep the lines of communication open between the developer, the Town Board and the residents of the Bussendorfer area to keep the building at zero until the problem is solved.

Town Attorney, Len Berkowitz, stated that there will be an effective moratorium in place through the State Environmental Quality Review process, since the subdivision will not be approved until the water issues that are indicated in that process are resolved.

The following residents also stated that they want to see the drainage issue resolved before any more building is allowed in this area: Arthur Munson, 4862 Bussendorfer; Victor Liberatore, 44 Willowbrook; Larry Powenski, 35 Meadowlawn; Jennifer Plants, 5027 Bussendorfer; George Sambratto, 20 Schultz.

With all the controversy, Councilman Jemiolo and Councilman Mills stated the following resolution should be put into place.

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

WHEREAS, the Bussendorfer Road, Forsythia Court, Willowbrook Drive corridor, and the side roads down Abbott Road, have had drainage problems for over 20 years, and

WHEREAS, the residents of these areas have come to the Town Board for help, and

WHEREAS, the Town retained the services of DiDonato Associates to provide professional services for the Bussendorfer Drainage Improvement Project , and

WHEREAS, Patrick Development desires to build a new subdivision in this area and are willing to help with the drainage improvements

NOW, THEREFORE, be it

RESOLVED, that once DiDonato Associates presents the findings from the drainage study to the Town Engineering Department, and the Army Corp of Engineers and the New York State Department of Conservation approve the study, and the study is ready to be presented to the public, a date will be set for the Town Board, Town Engineering, designated representatives of the "Bussendorfer Water Shed Area", and representatives of Patrick Homes to meet, and be it further

RESOLVED, that at this meeting all representatives will examine the results of the drainage study, search for the best ways to ease the drainage problems and find ways to finance the needed improvements.

The resolution was unanimously adopted.

Scott Kroll, Orchard Park Jaycees: Mr. Kroll thanked the Recreation Department for their help with the Easter Egg Hunt. Mr. Kroll stated that the Jaycees are holding a Community Involvement Fair at 7:00 PM May 8th at Jemiolo's Restaurant. Anyone may attend to find out about the different areas that a citizen may become active in the Community.

There being no business from the floor, on motion by Supervisor Cudney, seconded by Councilman Jemiolo, to wit: the meeting was adjourned at 8:46 PM (local time).

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Janis A. Colarusso".

Janis A. Colarusso
Town Clerk

