

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 1st day of April 2009 at 7:00 PM, the meeting was called to order by the Supervisor and there were:

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

The Supervisor read into the record the following: *“If anyone appearing before the Town Board has a family, financial or business relationship with any member of the Board, it is incumbent upon that person to make it known under State Law and the Town Code of Ethics.*

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

RESOLVED, that the minutes of the meetings of the Town Board held on March 18, 2009, and the Special Meeting Minutes of March 25, 2009, as presented by the Town Clerk are hereby approved, and be it further

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

The resolution was unanimously adopted.

PUBLIC HEARING

At 7:00 PM (local time) the Supervisor called for the Public Hearing to hear all interested parties for or against the Proposed Changes to a Local Law for the Year 2009. This local law provides for the adoption of the additions and changes to Section 2.2(c); Planning Board, Zoning Board of Appeals and Conservation Board Alternate Members.

a) **In 2-2(c) the following should be deleted:** “In order for the Alternate Member to qualify to take the place of an absent Conservation Board Member that Alternate Member must have been appointed at least one-year prior to the date he first acts as a voting member.”

b) **The following should be substituted in its place:** “In any instance where a voting member of the Conservation Board is absent, the use of an Alternate Member is hereby authorized pursuant to the provisions of this chapter.”

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 asked if there was anyone in the audience who would like to speak for or against the application for the Proposed Changes to the Town Code of Ordinance.

No one spoke.

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

RESOLVED, that the Public Hearing in the matter of the Proposed Changes for a Local Law for the Year 2009: *Section 2.2(c); Planning Board, Zoning Board of Appeals and Conservation Board Alternate Members*, is hereby closed at 7:04 PM (local time).

The resolution was unanimously adopted.

Town Board Adopts Local Law for 2009; Section 2.2(c) of the Town Code of Ordinance

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

RESOLVED, that the Town Board does hereby adopt Local Law #4 for the Year 2009, which provides for the adoption of the additions and/or changes to Section 2.2(c); Planning Board, Zoning Board of Appeals and Conservation Board Alternate Members.

The question of the adoption was duly put to a roll call vote which resulted as follows:

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

The resolution was unanimously adopted.

Old Business #1 Award Bid for “Two (2) New 2009 Marked Police Patrol Vehicles”

4) 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 award the bid for the “Two (2) New 2009 Marked Police Patrol Vehicles” for the Police Department, to Towne Ford, 3535 Southwestern Boulevard, in the Town of Orchard Park, in the amount of \$31,600.00, they being the lowest possible bidder thereof, as recommend by Police Chief, Andrew Benz.

The resolution was unanimously adopted.

New Business #1 (Tabled) OP Little League-Opening Day Ceremonies: Orchard Park Little League requesting to hold the Annual Opening Day Ceremonies, Saturday, May 2, 2009, and to ask the Town of Orchard Park to assist them in a new parade route to honor the two (2) State Champion Teams; the Orchard Park Football Team and the Orchard Park Volleyball Team. Parade will start at the Rite Aid Plaza at 10:30 AM and the Formal Opening Day Ceremonies will immediately follow. (Tabled 3/18/09)

New Business #2 Approve 2009 Public Stable Permit for Willow View Equestrian

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

RESOLVED, that the Town Board does hereby approve the 2009 Public Stable Permit for Willow View Equestrian, 7895 East Quaker Road, in the Town of Orchard Park, as recommended by the Building Inspector.

The resolution was unanimously adopted.

New Business #3 Supervisor to Sign Contract with Skylighters of WNY

6) 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 Supervisor to sign the Contract between the Town of Orchard Park and Skylighters of Western New York, 3362 Baker Road, in the Town of Orchard Park, for the 2009 Fourth of July Fireworks, in an amount not to exceed \$5,000.00, with a rain date of July 5, 2009.

The resolution was unanimously adopted.

New Business #4 Choppers for Charity & Hogs Against Hunger

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

RESOLVED, that the Town Board does hereby authorize the request of Choppers for Charity & Hogs Against Hunger to travel the streets of Orchard Park for the 9th Annual Fundraiser, Saturday, April 25, 2009 to raise awareness and money to support the efforts of the Food Bank of Western New York. They are also requesting a police escort to guide over 200 bikers. The twenty-two (22) mile route will begin at 1:00 PM in Irving, NY on Southwestern Boulevard, and end at 2:00 PM in Orchard Park at 3700 Southwestern Boulevard.

The resolution was unanimously adopted.

New Business #5 Refer to the Planning Board and/or Conservation Board:

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

RESOLVED, that the Town Board does hereby refer to the Planning Board and/or Conservation Board the following item listed on the agenda: Southtowns Tennis Center, 75 Mid County Drive, located on the East side of Mid County Drive, Zoned I, request for a review for a proposed addition on the north side of the existing building.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

James Chase – He stated he submitted a letter to the Public Safety Committee regarding a dangerous situation on Bieler Road caused by Quaker Crossing traffic and dangerous parking by one individual. He asked if the Town Board had received a report and recommendations from the Committee. He questioned if someone were injured, would the liability fall back on the Town or the person responsible for causing the safety hazard.

Mary Chase – She asked about any recommendations on the Bieler Road situation and the Supervisor explained that someone would contact her.

John Marlow – He thanked the Supervisor for posting the GSAB45 report on the website and found it very informative and hopes it will continue. He asked if the Town Board could let the residents know if there would be a tax increase in the future.

ELECTED OFFICIALS & DEPARTMENT HEADS

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the Collective Bargaining Agreement and the Memorandum of Understanding between the Town of Orchard Park and the Orchard Park Police Benevolent Association, retroactive from January 1, 2007 and effective until December 31, 2010.

Before the vote was taken, Councilman Dietrick commended the Police Union for their cooperation in negotiating this contract.

The resolution was unanimously adopted.

Councilwoman Ackerman announced that the Orchard Park Symphony would be performing the last concert of their 60th Season on Friday, April 4, 2009, at 7:30 PM at the Middle School. The world famous violinist, Mark O'Connor, is the special guest.

Police Chief Benz announced that there was a confirmed rabid raccoon in the Bussendorfer Road area, which was taken care of by Dog Control Officer, Wendy Mulawka. He wanted to remind the residents to be aware of the possibility of rabies and notify the Police if they see any suspicious animals. Police Chief Benz stated that the U.S. Census Bureau notified him that the census takers would be starting in April through July in the Town.

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 accept the resignation of Rhonda M. DiPronio, from the Orchard Park Police Department, effective March 27, 2009.

The resolution was unanimously adopted.

Highway Superintendent Piasecki reported on brush pickup and drainage ditch cleaning.

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

RESOLVED, that the Town Board does hereby authorize the approval of all entries on Warrant #7 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$106,974.69
Part Town Fund	\$559.51
Risk Retention	0.00
Cemetery Fund	0.00
Highway Fund	\$14,764.38
Special Districts	\$17,568.92
Trust & Agency	\$15,342.94
Capital Fund	\$1,750.00

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby receive and file the following Communications listed on the agenda: **Kathy Koehler, Chairperson for the Colden Bicentennial Committee:** Sent a letter stating the following: *In 1810, Richard Buffum, of Rhode Island, settled with his family in what is now called Colden. We are very excited to announce that next year, 2010, marks the 200th birthday. Starting on Memorial Day, May 25, 2009, the fun begins. If you would like further information, you can contact the committee chair at colden2010@yahoo.com, and **Town of Aurora:** Resolution stating the Town of Aurora opposes the acquisition and use of the abandoned rail bed for a public recreation trail, but does agree this parcel should be used in the future as a scenic railway and/or commercial railway.*

The resolution was unanimously adopted.

There being no further business, on motion by Supervisor Travers Murphy, seconded by Councilman Kaczor to wit, the meeting was adjourned at 7:18 PM (local time).

Respectfully Submitted,



Janis A. Colarusso
Town Clerk

