

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 7th day of May 2008 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
Ted Gura	Assistant Chief of Police
Frederick Piasecki, Jr.	Highway Superintendent
Wayne Bieler	Town Engineer
ABSENT: Andrew Benz	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 COUNCILWOMAN ACKERMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN KACZOR, TO WIT:

RESOLVED, that the minutes of the Meeting of the Town Board held on April 16, 2008 and the Special Minutes held on March 26th, April 9th and April 23rd, 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 following changes to the Town of Orchard Park Town Code of Ordinances, as follows:

§144-44 Application for Building Permits and Certification of Occupancy in B, I-1 or D-R Zones. The Conservation Board recommends changing (c) (1) (b) from two years to three years.

§144-25 General Screening Regulations. The Conservation Board recommends changing (c) by adding the following (underlined).

Garbage pickup areas: Garbage dumpsters shall be enclosed by a substantial and solid fence or suitable opaque structure, with movable opening only for ingress and egress and doors or openings shall be kept shut, and the area shall be kept neat and tidy.

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 anyone in the audience who would like to speak for or against the Local Law.

Opponents – No one spoke.

Proponents – 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 Proposed changes to the Town of Orchard Park Town Code of Ordinances; §144-44 and §144-25, is hereby closed at 7:04 PM (local time).

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby adopt Local Law # 4 for the Year 2008; §144-44 and §144-25 of the Town of Orchard Park Town Code of Ordinances.

Councilwoman Ackerman stated the issue of the updating the ordinance is due to the collecting of the bond for the liability of planning materials, two years was just not enough time, a three year period should complete the process. Stronger enforcement of the dumpsters was also addressed.

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

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

The resolution was unanimously adopted.

PUBLIC HEARING

At 7:05 PM (local time) the Supervisor called for the Public Hearing to hear all interested parties for or against the Renewal of the Cable Television Franchise Agreement by and between the Town of Orchard Park and Time Warner Cable.

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 anyone in the audience would like to speak for or against the Local Law.

Opponents – No one spoke.

Proponents – Sharon Hansen, Representative from Time Warner Cable.

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

RESOLVED, that the Public Hearing in the matter of the Renewal of the Cable Television Franchise Agreement by and between the Town of Orchard Park and Time Warner Cable, is hereby closed at 7:10 PM (local time).

The resolution was unanimously adopted.

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

WHEREAS, an application has been duly made to the Board of the Town of Orchard Park, County of Erie, New York, by CAP Exchange I, LLC (“Time Warner Cable”), a partnership organized under the laws of the State of New York doing business at 355 Chicago Street, Buffalo, NY 14204, and holder of a cable television franchise in the Town of Orchard Park for the approval of an agreement to renew Time Warner Cable’s cable television franchise for an additional ten (10) years commencing April 16, 2008. The Franchise Renewal Agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended and certain court rulings, and

WHEREAS, the Public Hearing has been held in the Town of Orchard Park on May 7, 2008, at 7:00 PM, and notice of the hearing was published in the Town of Orchard Bee, the official newspaper of the Town, on April 24, 2008.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Orchard Park finds that:

- Time Warner Cable has substantially complied with the material terms and conditions of its existing franchise and with applicable law , and
- the quality of the Time Warner Cable’s service, including signal quality, response to customer complaints and billing practices has been in light of community needs, and
- Time Warner Cable has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached, and
- Time Warner Cable can reasonably meet the future cable-related community need and interests, taking into account the cost of meeting such needs and interests.

BE IT FURTHER RESOLVED, that the Board of the Town of Orchard Park hereby renews the cable television franchise of Time Warner Cable in the Town of Orchard Park for ten (10) years commencing April 16, 2008, and expiring April 16, 2018, and

BE IT FUREHTER RESOLVED, that the Board of the Town of Orchard Park hereby confirms that this Franchise Renewal Agreement replaces the original franchise last amended on May 27, 2005.

The resolution was unanimously adopted.

New Business #1 Town Board to Approve Three 2008 Stable Permits

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

RESOLVED, that the Town Board does hereby authorize the following 2008 Stable Permits: Hammersmith Farms, 6243 Benning Road; Sandybrook Farm & Stable, 6265 Powers Road and Willow Glen Stable, 7895 East Quaker Road, as recommended by the Building Inspector.

The resolution was unanimously adopted.

New Business #2 OP Chamber Requesting to Hold the Annual Fourth of July Parade

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

RESOLVED, that the Town Board does hereby authorize the Orchard Park Chamber of Commerce to hold the Fourth of July Parade, Friday, July 4, 2008. Assembly begins at 7:00 PM with the parade starting at 8:00 PM from the High School on Baker Road. There is a rain date if necessary for the fireworks only on the 5th of July, 2008.

The resolution was unanimously adopted.

New Business #3 Chief of Police Requesting to Hold the Annual Bike & Property Auction

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

RESOLVED, that the Town Board does hereby authorize the Chief of Police, Andy Benz, to hold the Annual Bike & Property Auction, May 31, 2008, at 10:00 AM, in the rear of the Orchard Park Municipal Center, located at 4295 South Buffalo Street, in the Town of Orchard Park.

RESOLVED, that the Town Clerk publish due notice in the official newspaper of the town.

The resolution was unanimously adopted.

New Business #4 Schedule Public Hearing for Pines of Murphy Road Senior Living Community

9) 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, June 4, 2008, at 7:00 PM, at the Municipal Center, for *The Pines of Murphy Road Senior Living Community*, the Planning Board recommends the public hearing for designation as a Senior Residential District SR, presently Zoned R-3, and be it further

RESOLVED, that the Town Clerk publish due notice in the official newspaper of the town.

The resolution was unanimously adopted.

New Business #5 Proclamation Claiming May 11th through to May 17th, 2008 as Safety Week.

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

WHEREAS, the **Western New York Safety Conference, Inc.** has taken great pride in the safety of people both on and off the job, and has implemented wide reaching programs of safety education and accident prevention; and

WHEREAS, this program has become an example and a model for all businesses and industries, and has served as a reminder for many of our residents to be more concerned with their own safety at home and at work, and

WHEREAS, it is a pleasure to extend this proclamation on behalf of our Town of Orchard Park to the **Western New Safety Conference, Inc.**, which will host the 72nd Annual Safety Conference and Trades Exhibit at the Grand Island Holiday Inn on May 14th and 15th, 2008, and

WHEREAS, the **Western New York Safety Conference, Inc.** should be commended for its continuing and progressive safety programs, urging our citizens to support all such efforts to promote safety both on and off the job

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Orchard Park does hereby proclaim the week of May 11th through May 17th, 2008, as **SAFETY WEEK**.

The resolution was unanimously adopted.

New Business #6 Tabled - Proclamation in Support of Initiative to Improve Real Property Tax Service & Assessment Administration Countywide.

New Business #7 Supervisor to sign SPDES Annual Report Compliance Certification/Schedule Mtg

11) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN DIETRICK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN ACKERMAN, 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 2007-2008 copy of the draft annual report will be placed in the Town Clerks Office for public review and comment and a draft copy will also be forwarded to the Town Board, Building Inspector, Highway Superintendent and 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 Informational Meeting for Wednesday, May 21, 2008 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 #8 Appoint Summer Staff to the Town of Orchard Park Engineering Department

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

WHEREAS, funds have been allocated in the 2008 budget for seasonal help in the Engineering Department, and

WHEREAS, with the current work load of the Engineering Department, and the experience of the applicants, I am requesting the appointment of Katherine A. McCarthy who has applied for the summer position in the Engineering Department again this year, and

WHEREAS, Katherine will be a sophomore at Alfred State majoring in Architecture. Katherine has also completed two years of CADD (drafting) training at ORMSBY Center. Katherine worked for the Orchard Park Engineering Department in 2007 and has accepted the challenge of the duties and responsibilities of assignments with enthusiasm.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the appointment of Katherine A. McCarthy, 6978 Scherff Road, Orchard Park, New York 14127, to a seasonal position in the Engineering Department for a twelve-week period beginning May 28, 2008, at a wage rate of \$9.00/hour, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #9 Appoint Summer Staff to the OP Sewer, Water & Lighting Department

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

WHEREAS, funds have been allocated in the 2008 budget for seasonal employees in the Sewer, Lighting & Water Department, and

WHEREAS, after advertising in the Orchard Park Bee, I have received only one application for these positions. Paul Steinmetz will be a sophomore at Erie Community College this fall, majoring in History. Paul worked for the Sewer, Lighting & Water Department in 2007 and proved to be a hard worker.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the appointment of Mr. Paul Steinmetz, 6733 Scherff Road, Orchard Park, New York 14127, to a seasonal position in the Sewer, Lighting & Water Department for approximately a ten-week period beginning on or around May 12, 2008 at a wage rate of \$8.50/hour, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #10 Approve Change Order #1 to the Contract with New Cal Construction Inc.

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

WHEREAS, the Engineering Department is requesting your approval of a Change Order to the contract with New Cal Construction, Inc. for the 2007 Building Improvements Project in the amount of \$18,054.62. If approved, this would increase the total contract amount to \$538,554.62, representing an increase of 1.04%, and

WHEREAS, this Change Order is requested to perform additional work not covered under their contract. The additional work involves the Compost Site and Highway Garage Addition. The compost large building work includes the installation of two additional posts and a new beam to provide a double wide bay for oversized equipment for an amount of \$1,709.96 and a 4ft high 3/4" plywood liner on the inside for the amount of \$5,547.63. The small compost pole barn work includes the installation of an 8' high 3/4" plywood liner along the inside of the building for the amount of \$4,942.03, and

WHEREAS, the remaining work under this Change Order involves the replacement of vinyl floor tile in the existing Highway Department lunchroom, bathroom and locker room which was removed during the Asbestos Abatement portion of the project but was not included in the construction documents, for the amount of \$5,865.00.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Change Order #1 to the Contract with New Cal Construction, Inc., 10994 Tinkham Road, Darien New York 14040, for the 2007 Building Improvements Project; Hwy Building Addition, Compost Equipment Pole Buildings, Yates Park Bath House & Splash Pad and Dog Control Addition in the amount of an increase of \$18,054.62, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #11 OP American Legion Post #567 Holding the Annual Memorial Day Parade

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

RESOLVED, that the Town Board does hereby authorize the request of the Orchard Park American Legion Post #567 to hold the Memorial Day Parade and Ceremonies on Monday, May 26, 2008. The route of the Parade begins at the Orchard Park Library and continues down South Buffalo Street to the four corners, then west on West Quaker Street to Veterans Park.

The resolution was unanimously adopted.

New Business #12 Appointments to the Town of Orchard Park Historic Preservation Board

16) 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 appointments to the Historic Preservation Board, terms ending May 13, 2012; Daniel Ransom, Norman Stoj, Timothy Gardner and Michael Stock, and Mr. Daniel Ransom shall be appointed to Chairperson to the board for the remainder of the 2008 year.

The resolution was unanimously adopted.

New Business #13 Town Network Coordinator Requesting to Attend Seminar in Skaneateles, NY

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

RESOLVED, that the Town Board does hereby authorize the request of the Town Network Coordinator, Paul Warriner, to attend the 3rd Annual 2008 New York State Geospatial Summit, in Skaneateles, New York, May 20, 2008, at town expense.

The resolution was unanimously adopted.

New Business #14 Recreation Specialist Requesting to Attend a Seminar in Albany, New York

18) 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 request of the Recreation Specialist, Anna Willems, to attend the Aging Concerns Unite Us Conference, in Albany, New York, June 17 & 18, 2008, at town expense.

The resolution was unanimously adopted.

New Business #15 Building Inspector Requesting to Amend the TB Minutes for 5/19/08

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

RESOLVED, that the Town Board does hereby authorize the request of the Building Inspector, Andy Geist, to amend the Town Board Minutes for May 19, 2008, to list the proper square footage for Eye Care & Vision Associates, 3712 Southwestern Boulevard, located on the North side of Southwestern Boulevard and East of S. Benzing Road, from 7,680 square feet to 7,961 square feet.

The resolution was unanimously adopted.

New Business #16 Tax Receiver Requesting to Increase the Petty Cash Drawer

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

RESOLVED, that the Town Board does hereby authorize the request of the Tax Receiver, Carol Hutton, to increase her Petty Cash drawer from \$100 to \$200.

The resolution was unanimously adopted.

New Business #17 Appointments to the 2008 Spring/Summer Staff to the Recreation Department

21) 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 following 2008 Spring Staff Appointments to the Orchard Park Recreation Department (that have been pre-filed in the Town Clerk's Office), dependent upon the applicant providing the required certifications, as recommended by the Recreation Director.

Name	Address	Position	Title	Rate
Jarryd Austion	Town of Phelps	PT2-B	Att.	\$9.00
Stephanie Battaglia	Town of Orchard Park	PT1-C	Att.	\$8.00
Brian Benz	Town of Orchard Park	PT1-C	Att.	\$8.00
Ashley Bonetto	Town of Orchard Park	PT2-D	Lg.	\$9.50
Adam Brouillard	Town of Orchard Park	PT2-B	Att.	\$9.00
Toby Burns	Town of Orchard Park	PT6-D	Att.	\$15.00
Alice Buskus	Town of Orchard Park	PT1-C	Att.	\$8.00
Jennifer Buskus	Town of Orchard Park	PT1-E	Att.	\$8.50
Jenny Capriotto	Town of Orchard Park	PT2-D	Att.	\$9.50
Jessica Carter	Town of Orchard Park	PT1-C	Att.	\$8.00
Jennifer Carter	Town of Orchard Park	PT2-D	Att.	\$9.50
Philip Colarusso	Town of East Aurora	PT1-C	Lg.	\$8.00
Shannon Connors	Town of Hamburg	PT1-E	Att.	\$8.50
Emily Curran	Town of Orchard Park	PT1-C	Att.	\$8.00
Elizabeth Dillon	Town of Orchard Park	PT2-D	Att.	\$10.50
Kyle Druding	Town of Orchard Park	PT1-E	Lg.	\$8.50
Kristina Franklin	Town of Tonawanda	PT6-D	Att.	\$15.00
Karin Freyer	Town of Orchard Park	PT1-E	Att.	\$8.50
Sarah Galante	Village of Kenmore	PT2-B	Att.	\$9.00
David Goltz	Town of Orchard Park	PT1-C	Att.	\$8.00
Kathleen Goodman	Town of Orchard Park	PT2-D	Att.	\$9.50
Sarah Hayes	Town of West Falls	PT1-C	Att.	\$8.00
Rachel Hedges	Town of Orchard Park	PT1-E	Lg.	\$8.50
Chelsea Hojnacki	Town of Hamburg	PT1-E	Lg.	\$8.50
Emily Horn	Town of Orchard Park	PT1-C	Att.	\$8.00
Matthew Horn	Town of Orchard Park	PT1-E	Att.	\$8.50
Elizabeth Imbirowicz	Town of West Seneca	PT2-D	Att.	\$9.50
Matthew Jennings	Town of Orchard Park	PT6-D	Att.	\$15.00
Logan Jensen	Town of Orchard Park	PT1-C	Att.	\$8.00
Lauren Kaczor	Town of Orchard Park	PT1-C	Att.	\$8.00
Stephanie Karst	City of Olean	PT2-D	Att.	\$10.50
Kathryn Kempa	Town of Orchard Park	PT2-D	Att.	\$9.50
Tressa Kennedy	Town of Orchard Park	PT2-D	Att.	\$9.50
Florence Kirkner	Town of Orchard Park	PT3-E	Lg.	\$11.00
Matthew Kordrupel	Town of Orchard Park	PT1-E	Att.	\$8.50
Claire Lewandowski	Village of Derby	PT1-E	Att.	\$8.50
Jacqueline Lex	Town of Orchard Park	PT2-D	Att.	\$9.50
Shaun Looney	Town of Orchard Park	PT1-E	Att.	\$8.50
Shannon Malik	Town of Orchard Park	PT1-C	Att.	\$8.00
Samantha Mangione	Town of Hamburg	PT1-C	Lg.	\$8.00

Joseph Mamott	Village of Depew	PT1-C	Att.	\$8.00
Jessica Mann	Town of Orchard Park	PT2-D	Att.	\$9.50
Lindsay Morris	Town of Lancaster	PT2-B	Lg.	\$9.00
Benjamin Morton	Town of Orchard Park	PT1-C	Lg.	\$8.00
Marleah Noonan	Town of Orchard Park	PT2-B	Lg.	\$9.00
Alyssa Owczarczak	Town of Orchard Park	PT1-C	Att.	\$8.00
Allison Pawarski	Town of Orchard Park	PT1-E	Att.	\$8.50
Shelby Poston	City of Buffalo	PT2-B	Att.	\$9.00
Nicholas Ramage	Town of Orchard Park	PT1-C	Att.	\$8.00
Lauren Reddington	Town of Orchard Park	PT1-E	Lg.	\$8.50
Stephanie Rowland	Town of Orchard Park	PT2-B	Att.	\$9.50
Charles Ruta	Town of Amherst	PT1-C	Att.	\$8.00
Mary Schichtel	Town of Hamburg	PT6-D	Att.	\$15.00
Nicholas Schott	Town of Orchard Park	PT1-E	Att.	\$8.50
Timothy Swyers	Town of Orchard Park	PT2-D	Lg.	\$9.50
Samantha Taylor	Town of Wilson	PT2-D	Att.	\$9.00
Angela Tuchols	Village of Snyder	PT6-D	Lg.	\$15.00
John Vinti	Town of Orchard Park	PT2-B	Lg.	\$9.00
Natalie Vinti	Town of Orchard Park	PT2-D	Lg.	\$9.50
Curtis Wassum	Town of Orchard Park	PT1-C	Att.	\$8.00
Kimberly Wilder	Town of Orchard Park	PT1-E	Att.	\$8.50
Justin Wisnouskas	Town of West Seneca	PT2-D	Att.	\$9.50
Sarah Yates	Town of Orchard Park	PT2-D	Att.	\$9.50
Darcy Zappia	Town of Orchard Park	PT2-D	Att.	\$9.50

Councilman Kaczor and Councilman Graber both recused themselves due to relationships they have with two of the children that have been hired this evening.

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

The resolution was duly adopted.

New Business #18 Town Board to Approve the 2008-2009 Recreation Department Program

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

RESOLVED, that the Town Board does hereby approve the 2008-2009 Recreation Department Program Fees, as requested by the Recreation Director, Ed Leak.

The resolution was unanimously adopted.

Business from the Floor

The following individuals spoke this evening and expressed their opinions about Quaker Crossing, Wal-Mart, Seasonal Landscaping, school buses, Pottery Barn, Buffalo Harley-Davidson and billboards: Marge Tobias; Russell Klass; Jim Suplicki; John Sawicz; Sal Cerrone; Chris Weyer; Louis Boehm; Harold Fabinsky.

Elected Officials & Department Heads

Councilwoman Ackerman congratulated the thirty-eight senior recipients of the Orchard Park Pride Awards for the Orchard Park School District, among them Dave Schuster's son and Councilman Dietrick's son. She also stated that the Buffalo Harley-Davidson violated the approved landscaping and the Town is looking at possible legal action and other ways to remedy the situation.

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

RESOLVED, that the Town Board does hereby authorize to approve the expenditure for \$57,900 to Michael Hamby for the completion of the sculpture for the Orchard Park Parkland Campus area and the 11 benefactor gifts.

The resolution was unanimously adopted.

Councilman Kaczor reported on the Orchard Park Historic Preservation Board training session he attended in Canandaigua along with Town Historian, Sue Kulp, Dr. Stoj and Dan Ransom.

Councilman Dietrick voiced his concern with the Buffalo Harley-Davidson tree cutting and the possible parking of RV's in the proposed Wal-Mart site, particularly on Buffalo Bills home game days.

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

WHEREAS, a proposal is presently pending before the Orchard Park Historic Preservation Board to designate the barns on the south side of Jewett Holmwood Road near its intersection with Birdsong Parkway as landmarks, and

WHEREAS, the Orchard Park Town Attorney, Leonard Berkowitz, has a conflict due to the fact that he represents one of the parties with an interest in such barns, and

WHEREAS, Edward C. Cosgrove has graciously agreed to represent the Town of Orchard Park in connection with the proceedings before the Orchard Park Historic Preservation Board to designate the barns on Jewett Holmwood Road, referred to above, as landmarks

NOW, THEREFORE, be it

RESOLVED, that the Town of Orchard Park accepts the generous offer of Edward C. Cosgrove to represent the Orchard Park Historic Preservation Board and the Town of Orchard Park in connection with the designation of the barns on Jewett Holmwood Road as landmarks, as recommended by the Town Attorney.

Councilman Kaczor thanked Mr. Cosgrove and his firm for offering to represent the Town in this issue.

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby authorize the request of Assistant Chief of Police, Ted Gura, to send Dare Officers Govenettio and Fitzgerald to the School-Police Partnership Conference in Syracuse, NY on Friday, May 9th, 2008 from 8:00 AM to 5:00 PM with registration to be paid by the school.

The resolution was unanimously adopted.

26) 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 authorize the request of Assistant Chief of Police, Ted Gura, to send Wendy Mulawka to the NYS Agriculture and Markets two day training seminar on June 3rd and 4th, 2008 in Webster, NY and there are funds in the budget.

The resolution was unanimously adopted.

Highway Superintendent Fred Piasecki reported on the weekend Earth Day happenings around the Town of Orchard Park. He also stated the solar panels have been installed on the Town Highway garage. He mentioned that the Compost site held their annual open house day or "free mulch day" for the residents, and he reported that a new shelter has been rebuilt at Yates Park to replace the one destroyed last year by a fallen tree.

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

RESOLVED, that the Town Board does hereby authorize the approval of all entries on Warrant #9 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$256,128.73
Part Town Fund	\$6,319.10
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$350,129.40
Special Districts	\$51,813.81
Trust & Agency	\$33,744.73
Capital Fund	\$88,171.26

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby receive and file the following communications; Erie County Household Hazardous Waste Drop-Off Day: Saturday, May 10, 2008 at 9:00 AM to 2:00 PM at Erie Community College, North Campus, Williamsville, NY and the Buffalo & Erie County Workforce Development Consortium Job Fair on Thursday, May 15, 2008 at 1:00 PM to 4:00 PM, 1300 Elmwood Avenue, Buffalo, NY.

The resolution was unanimously adopted.

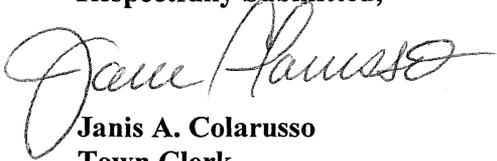
29) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN ACKERMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN DIETRICK, TO WIT:

RESOLVED, that the Town Board does hereby receive and file the following report; Building Inspector's Monthly Report & Building Permits for April 2008.

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 8:00 PM (local time).

Respectfully Submitted,



**Janis A. Colarusso
Town Clerk**

