

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 6th day of April 2005 at 7:00 P.M., (local time). The meeting was called to order by the Supervisor and there were:

PRESENT AT ROLL CALL:	Toni M. Cudney	Supervisor
	Nancy W. Ackerman	Councilwoman
	Stanley A. Jemiolo	Councilman
	David R. Kaczor	Councilman
	John J. Mills	Councilman
	Janis A. Colarusso	Town Clerk
	Leonard Berkowitz	Town Attorney
	Andrew Geist	Building Inspector
	Samuel McCune	Chief of Police
	Ronald A. Geitter	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 MILLS, TO WIT:

RESOLVED, that the minutes of the Town Board Meetings held on March 16, 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 the Public Hearing to hear all interested parties for or against the Proposed Conservation Easements for the following residents:

- George Rozuk, 64.9 acres of land on Draudt Road. Requesting a Perpetual Easement.
- Christine Weitz, 6047 Seufert Road. Requesting a Perpetual Easement on 17.93 acres of land.
- Dennis & Marsha Petrus, 6543 S. Abbott Road. Requesting a Perpetual Easement for 12.5 acres.
- Mark Korzaniewski, 6390 Cole Road. Requesting to add 10 acres to an existing 12 acres, totaling 22 acres, to a Conservation Easement for 15-29 Years.
- Henry Lewandowski, 6106 Cole Road. Requesting a 15-Year Easement on 34.66 acres of land.
- Albert Baratto, 7560 Jewett-Holmwood Road. Requesting a Perpetual Easement on 5.8 acres of land.
- Ronald & Amy Banks, 6387 S. Abbott Road. Requesting a Conservation Easement for 5.72 acres.
- Michael & Ivonne Cellino, 6855 Chestnut Ridge Road. Requesting a Conservation Easement for 50-75 years for 40 acres of land.

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 came forward to speak.

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

RESOLVED, that the Public Hearing in the matter of the Proposed Conservation Easements for: George Rozuk, vacant land on Draudt Road; Christine Weitz, 6047 Seufert Road; Dennis & Marsha Petrus, 6543 S. Abbott Road; Mark Korzaniewski, 6390 Cole Road; Henry Lewandowski, 6106 Cole Road; Albert Baratto, 7560 Jewett-Holmwood Road; Ronald & Amy Banks, 6387 S. Abbott Road; Michael & Ivonne Cellino, 6855 Chestnut Ridge Road, is hereby closed at 7:05 PM (local time).

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby accept the following Conservation Easements for: George Rozuk, 64.9 acres of land on Draudt Road. Requesting a Perpetual Easement; Christine Weitz, 6047 Seufert Road. Requesting a Perpetual Easement on 17.93 acres of land; Dennis & Marsha Petrus, 6543 S. Abbott Road. Requesting a Perpetual Easement for 12.5 acres of land; Mark Korzaniewski, 6390 Cole Road. Requesting to add 10 acres to an existing 12 acres, totaling 22 acres, to a Conservation Easement for 15-29 Years; Henry Lewandowski, 6106 Cole Road. Requesting a 15-Year Easement on 34.66 acres of land; Albert Baratto, 7560 Jewett-Holmwood Road. Requesting a Perpetual Easement on 5.8 acres of land; & Michael & Ivonne Cellino, 6855 Chestnut Ridge Road. Requesting a Conservation Easement for 50 years for 40 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 Annexation Petition of the Newton-Abbott Fire Company to annex a portion of their property, and to consider annexation of adjacent property from the Town of Orchard Park to the Town of Hamburg. The boundary description of the requested annexation is as follows:

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Orchard Park, County of Erie, State of New York, being Part of Lot 31, Township 10, Range 7 of the Buffalo Creek Indian Reservation. Beginning at NYS DOT baseline station AR-2 (159+73.78 BL), said point also being on the old centerline of Abbott Road and on the centerline of Old Milestrip Road and said point also intended to be the southwest corner of Great Lot-31 Township-10 Range-7 of the Buffalo Creek Indian Reservation, Thence northwesterly along the old centerline of Abbott Road as called for in the plans for the reconstruction of Abbott Road in Project # PIN 5751.05 the following courses.

- 1- NW 26-02'-57" a distance of 269.30' to an angle point as called for in said plans.
- 2- NW 41-15'-03" a distance of 463.24' to an angle point as called for in said plans.
- 3- NW 6-14'-50" a distance of 894.96' to an angle point at BL Station AR-5 in said plans.

Said last angle point being NYS DOT BL Station AR-5 at 176+11.28 BL, which intersects the centerline of Improvement of Abbott Road at Station 175+42.71 CL Imp. as called for in the plans for the reconstruction of Abbott Road in Project # PIN 5751.05 station. Thence southeasterly along the centerline of improvement for Abbott Road as called for in the plans for the reconstruction of Abbott Road in Project # PIN 5751.05 the following courses.

- 1- Along a curve to the left with a radius of 2291.83' an arc distance of 31.11' to point of curve at station 175+11.60 CL Imp.
- 2- Thence along the centerline of improvement on a line tangent to the last described curve a distance of 1340.04' to a point of tangency at CL Imp. Station 161+71.56.
- 3- Thence along a curve to the right, tangent with the last described line, with a radius of 2864.79' an arc distance of 195.42' to centerline of improvement station 159+76.14 on said curve at it's intersection with Old Milestrip baseline. Thence easterly along said Old Milestrip Baseline at a bearing of SE 88-45'-17" a distance of 7.12' to NYS DOT BL point AR-2 and the point and place of beginning for said description.

The above description is intended to describe the area of land intended to transfer political jurisdiction to the Town of Hamburg. Also intending to move the Town Line between Hamburg & Orchard Park from its old alignment along old Abbott Road centerline, said line also being the west line of Lot-31 Township-10 Range-7 to the new centerline of improvement for Abbott Road as called for in NYS DOT Project # PIN 5751.05. This will place all property west of the centerline of improvement of Abbott Road from old Milestrip Road to CL Improvement station 175+42.71 in the Town of Hamburg.

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.

At this time Supervisor Cudney asked the Town Engineer to explain the Annexation of properties. Town Engineer Bieler stated that the Newton-Abbott Fire Company is planning to build a new fire hall and their request is to annex properties with the new alignment of the Erie County right-of-way on Abbott Road.

Comments from the floor:

Paul E. Rudnicki, Attorney for the Newton-Abbott Fire Company, along with Vice President Thomas Partridge, and Fire Chief Paul Uzar: They came before the Town Board to answer any questions concerning the annexation. Supervisor Cudney asked what was being built and Attorney Rudnicki stated a brand new fire hall. Fire Chief Uzar showed the architectural drawing to the Town Board and the audience. The Town Board had no objections and stated it looked like a good project.

4) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN ACKERMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN KACZOR, 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 Annexation Petition of the Newton-Abbott Fire Company to annex a portion of their property and to consider annexation of adjacent property from the Town of Orchard Park to the Town of Hamburg at 7:10 PM (local time).

The resolution was unanimously adopted.

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

WHEREAS, the Newton Abbott Fire Company has submitted a Petition for Annexation of Territory owned by Newton-Abbott Fire Company, Inc., and other parcels, presently situated in the Town of Orchard Park from the Town of Orchard Park to the Town of Hamburg, and

WHEREAS, the Newton Abbott Fire Company Inc. is the owner of more than 20% the real property which is sought to be annexed, and

WHEREAS, Newton Abbott Fire Company Inc. is under a Fire Protection Contract with the Town of Hamburg and it would be in the best interests of all parties if that portion of property owned by Newton Abbott Fire Company Inc. which is situate within the Town of Orchard Park, be annexed to the Town of Hamburg,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby make the following conclusions relative to the Petition for Annexation dated March 16, 2005, and signed by the President, John R. Fucina, of the Newton Abbott Fire Company for that portion of land that is presently located in the Town of Orchard Park

- The signatures on the Petition presented are genuine and are the names of people qualified to sign such a Petition under applicable New York State Law.
- More than 20% of the landowners affected by the amendment have signed the Petition.
- The Proposed Annexation is in the overall public interest as the Newton-Abbott Fire Company is under a Fire Protection Contract with the Town of Hamburg, and they are building a new Fire Station which proposed location is such that a portion of the same would be located on that part of the property which is presently located within the Town of Orchard Park.
- The Town Board does hereby adopt a Negative Declaration for the SEQR.
- The Town of Orchard Park hereby approves the Requested Annexation to the Town of Hamburg for the property which is described as:

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Orchard Park, County of Erie, State of New York, being Part of Lot 31, Township 10, Range 7 of the Buffalo Creek Indian Reservation.

Beginning at NYS DOT baseline station AR-2 (159+73.78 BL), said point also being on the old centerline of Abbott Road and on the centerline of Old Milestrip Road and said point also intended to be the southwest corner of Great Lot-31 Township-10 Range-7 of the Buffalo Creek Indian Reservation. Thence northwesterly along the old centerline of Abbott Road as called for in the plans for the reconstruction of Abbott Road in Project # PIN 5751.05 the following courses.

- NW 26-02'-57" a distance of 269.30' to an angle point as called for in said plans.
- NW 41-15'-03" a distance of 463.24' to an angle point as called for in said plans.
- NW 6-14'-50" a distance of 894.96' to an angle point at BL Station AR-5 in said plans.

Said last angle point being NYS DOT BL Station AR-5 at 176+11.28 BL, which intersects the centerline of Improvement of Abbott Road at Station 175+42.71 CL Imp. as called for in the plans for the reconstruction of Abbott Road in Project # PIN 5751.05 station. Thence southeasterly along the centerline of improvement for Abbott Road as called for in the plans for the reconstruction of Abbott Road in Project # PIN 5751.05 the following courses.

- Along a curve to the left with a radius of 2291.83' an arc distance of 31.11' to point of curve at station 175+11.60 CL Imp.
- Thence along the centerline of improvement on a line tangent to the last described curve a distance of 1340.04' to a point of tangency at CL Imp. Station 161+71.56
- Thence along a curve to the right, tangent with the last described line, with a radius of 2864.79' an arc distance of 195.42' to centerline of improvement station 159+76.14 on said curve at it's intersection with Old Milestrip baseline. Thence easterly along said Old Milestrip Baseline at a bearing of SE 88-45'-17" a distance of 7.12' to NYS DOT BL point AR-2 and the point and place of beginning for said description.

The above description is intended to describe the area of land in which political jurisdiction is being transferred to the Town of Hamburg. Also intending to move the Town Line between Hamburg & Orchard Park from its old alignment along old Abbott Road centerline, said line also being the west line of Lot-31 Township-10 Range-7 to the new centerline of improvement for Abbott Road as called for in NYS DOT Project # PIN 5751.05. This will place all property west of the centerline of improvement of Abbott Road from old Milestrip Road to CL Improvement station 175+42.71 in the Town of Hamburg.

The Town Engineer noted that regarding Special Districts in this area, the water district is shared with Hamburg, but the sewer district would require an out of district agreement.

The Town Attorney stated that the Newton-Abbott Fire Company would have to resolve the issues of where they apply for service for sewer and water. The annexation is complete and these issues can be resolved later.

The resolution was unanimously adopted.

New Business #1 Request for Paul Warriner, Network Coordinator to attend Conference

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

RESOLVED, that the Town Board does hereby approve the request for Paul Warriner, Network Coordinator, to attend the New York State Cyber Security Conference in Albany on June 15 & 16, 2005, at Town Expense.

The resolution was unanimously adopted.

New Business #2 OP Little League Requesting to Hold Their 47th Opening Day Ceremonies

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

RESOLVED, that the Town Board does hereby authorize the request of the Orchard Park Little League to hold the 47th Opening Day Ceremonies & Parade, Saturday, May 14, 2005, at 12:00 PM, with a rain date for May 15th, 2005. The parade will begin at the South Davis Elementary School parking lot, continue to Thorne Avenue and then take Duerr Road to the Little League Field. Formal Opening Day Ceremonies will take place immediately following the parade.

The resolution was unanimously adopted.

New Business #3 Stop DWI Program for the Year 2004

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

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the 2004 Stop DWI Contract between the Town of Orchard Park and Erie County Stop DWI Program.

The resolution was unanimously adopted.

New Business #4 Orchard Park Central School Requesting 12 Voting Machines for District Vote

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

WHEREAS, at the April 6, 2005 Town Board Meeting, the Orchard Park Central School District requested the use of twelve (12) Town of Orchard Park Voting Machines for the Annual District Vote

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the request from the Orchard Park Central School District for the use of twelve (12) Town of Orchard Park Voting Machines for the Annual District Vote on Tuesday, May 17, 2005, at the Orchard Park Middle School from 7:00 AM to 9:00 PM, and be it further

RESOLVED, that the Town Board does hereby expects all twelve (12) voting machines to be returned in the same condition received from the Town, and if there is any damage to any of the twelve (12) voting machines, the Orchard Park Central School District is fully responsible for all repairs.

The resolution was unanimously adopted.

New Business #5 Authorize the Supervisor to Sign the Agreement with SMEC for Gas Commodity

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

WHEREAS, in 2002, the Town of Orchard Park joined the School and Municipal Energy Cooperative (SMEC) to purchase the commodity of electricity cooperatively rather than from NYSEG, and as a result of that change, the Town has saved between 9% and 14% as compared to the retail cost of electricity purchased from NYSEG, and

WHEREAS, the School and Municipal Energy Cooperative is making the purchase of gas in a similar manner available to the Town, and an analysis of the savings based on the 2004 gas billings and the SMEC costs compared with National Fuel Gas costs will be a savings of 5.4% for the Town

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Town of Orchard Park to join School and Municipal Energy Cooperation for the purchase of the gas commodity for all Town accounts and the transportation charges will be paid to National Fuel Gas.

Supervisor Cudney	Aye
Councilwoman Ackerman	Recused
Councilman Jemiolo	Aye
Councilman Kaczor	Aye
Councilman Mills	Aye

The resolution was duly adopted.

New Business #6 Approve PIP #2005-03 for the Birdsong Subdivision Part 3A, Phase 3 & 4A

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

WHEREAS, Dominic Piestrak, representing DPS Southwestern Corp, did submit an application for a Public Improvement Permit to construct Phase 3 and a portion of Phase 4 of Part 3A of the Birdsong Subdivision, and

WHEREAS, Part 3A, Phases 3 & 4A will include 1,850 L. F of new roadway and public utilities to serve 25 residential sublots, and the storm water treatment facilities and retention pond were constructed in Part 3A, Phase 1, and

WHEREAS, the plans and specifications for the proposed project have been reviewed and found to be in compliance with current Town specifications, and the Town is in receipt of all necessary fees, bonds and insurance's,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Public Improvement Permit #2005-003 for the Birdsong Subdivision, Part 3A, Phases 3 & 4A, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #7 Authorize Supervisor to sign Agreement with SJB Services, Inc.

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

WHEREAS, to complete the Bird Song Nature Trails design work, existing soil conditions in the vicinity of the pedestrian bridges need to be known to complete foundation designs. With the preliminary survey work underway, test bore locations have been marked in the field as determined by the Town's consultant, Marquis Engineering, P.C. The Town of Orchard Park will directly contract the test boring services for Bird Song Nature Trails and add the findings to the Town's soil boring records book, and

WHEREAS, in order to keep the project on schedule; test boring work must be completed early in the design stage and the Town Engineer solicited services from a local consultant SJB Services, Inc., which is qualified and capable to complete this work in the necessary time frame, and

WHEREAS, the test boring work will include one to two soil boring locations for each pedestrian bridge and SJB Services Inc. estimated the cost to complete the above-mentioned work is \$1,200.00. And, if geotechnical-engineering services are needed, due to difficult soil conditions, they can be provided a rate of \$95.00 per hour

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with SJB Services, Inc., 5167 South Park Avenue, Hamburg, New York 14075, to provide test boring services for the Bird Song Nature Trails Project in an amount not to exceed \$1,600.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #8 Authorize Supervisor to sign Agreement with Nussbaumer & Clarke, Inc.

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

WHEREAS, to facilitate completing the Brush Mountain Park Master Plan, a boundary survey of the Park property will be necessary. The Town of Orchard Park Engineering Department has confirmed that the Town does not have a formal survey of the approximate 104 acre area on file; nor does the Town property have any physical formal corner boundary monuments in place, and

WHEREAS, the Engineering Department requested proposals and has selected the professional land surveying and design firm of Nussbaumer & Clarke, Inc., to complete Brush Mountain Park Survey and monumentation work. The Town Engineer has met with representatives of that firm to review contract language, refine the scope of services and negotiate an appropriate fee structure and he believes that the proposed scope of services and agreement with Nussbaumer & Clarke, Inc. is satisfactorily and will accomplish the goals of the project that were set forth by the Town. The work has been organized into two major elements: Task 1 Survey Boundary and Mapping of the Park with its own lump sum of \$4,500 and Task 2 Concrete Monument Installations per Town Standards at a unit price item fee of \$200 per concrete monument, and

WHEREAS, there are \pm 20 corners involved with the Parkland; therefore approximately \pm 20 concrete monuments need to be installed. There may be a risk that adjacent property owners may have existing survey markers at the same location and the installation of a permanent concrete monument would have to be resolved with those property owners, and

WHEREAS, there is presently \$130,456.31 plus interest allocated under Capital Project H-51, California Road Park Plan (also known as Brush Mountain Park Master Plan) for this project

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with Nussbaumer & Clarke, Inc., 3556 Lake Shore Road, Buffalo, New York 14219-1494, to provide professional land surveying services and install monuments per Town standards for the Brush Mountain Park Master Plan Project in an amount not to exceed \$8,500.00.

The resolution was unanimously adopted.

New Business #9 Letter of Intent to be signed with Erie County Dept. Environment & Planning

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

WHEREAS, the New York Department of Environmental Conservation is making available Grant money for the Municipal Separate Storm Sewer Systems (MS4) Phase II Stormwater Implementation again this year. Emphasis for the 2005 Grant is being placed on projects that adopt and implement local laws in support of stormwater management programs, and

WHEREAS, the three areas that this year's Grant is focusing on are: (1) Implement Required Local Laws and; (2) Provide for additional Watershed Protection when Implementing Required MS4 Local Laws and (3) Establish Funding Mechanisms. The Stormwater Coalition will be submitting the application for the Grant, which will include all of the coalition members, and

WHEREAS, the first category of Grant funding will be for up to \$3,000 per MS4. This money will be used to fulfill the Phase II permit requirements for adoption and implementation of local laws that Prohibit Illicit Discharges into the storm system, for the control of erosion/sedimentation/stormwater runoff from construction activities, and for addressing post-construction runoff from new development and re-development, and

WHEREAS, the second category of the Grant will fund up to \$2,500 per MS4 which is for projects that adopt and implement a local law that addresses one or more of the following areas: onsite inspection; special districts, cluster subdivisions, low impact development, and integration of stormwater and floodplain management, and

WHEREAS, the third category will fund up to \$5,000 per MS4 for establishing a funding mechanism. The money is available for projects accomplishing the legal adoption of funding mechanisms, such as Stormwater Management Districts, or municipality-wide stormwater permit fees. Projects must include legal adoption of permanent, long term mechanisms to generate funding for the continuing development, and implementation of MS4 Stormwater management programs, and

WHEREAS, the total amount of the grant for the Western New York Stormwater Coalition would be \$328,000. This is a 50/50 matching grant, whereby the coalition members will have to contribute to the total by including in-kind services from the Town Attorney and other departments that are involved with stormwater management, including overhead, supplies, and materials that the Town will incur for the compilation of local laws that the Town must implement as part of the Stormwater Phase II Requirements, and

WHEREAS, per the Federal Phase II stormwater/regulations by the United States Environmental Protection Agency (EPA) the Town must adopt a local law to control prohibit discharges to storm water systems; a local law for erosion and sedimentation control for construction projects and post construction projects as well as for redevelopment projects. Also, the Town must implement site inspection guidelines for subdivision, commercial/industrial and individual house construction projects that occur within the Town, and

WHEREAS, Erie County Department of Environment & Planning will oversee the administration of the Grant for the Western New York Coalition members that participate

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign a Letter of Intent for cooperating in the application for Environmental Protection Fund assistance for Stormwater Phase II Implementations 2005 Grant being made by Erie County Department of Environmental & Planning, with the Town's matching contribution being man hours incurred with the Town of Orchard Park Town Wide Drainage Study and Phase II Implementations, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #10 Authorize Supervisor to sign Agreement for Professional Services

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

WHEREAS, as directed by the Town Board, the Recreation Department, Orchard Park Soccer Club, Jim Bammel and the Engineering Department developed preliminary building concepts which were presented at the January 26, 2005 Town Board Capital Projects work session. Due to this prior working relationship between the Orchard Park Soccer League, and familiarity Jim Bammel has with the project, it was decided the best alternative is to use Fontanese-Folts-Aubrecht-Ernst-Bammel Architects to design the Pavilion Building for the Milestrip Sports Complex, and

WHEREAS, the Town Engineer has met with representatives of that firm to review contract language, refine the scope of services and negotiate an appropriate fee structure, he believes that the proposed scope of services and agreement with Fontanese-Folts-Aubrecht-Ernst-Bammel Architects is satisfactory and will accomplish the goals of the project that were set forth by the Town. The work has been organized into three major elements to complete the building design. However, due to some uncertainties regarding the kitchen, fireplace and type of building desired, each element is proposed as not to exceed: Basic services \$18,500, Construction Administration \$3,600, and Fire Place Design \$2,250, and

WHEREAS, the scope of services, as set forth by the Town, consists of completion of full design plans, meetings with involved departments, preparation of specifications and bid documents, assistance in preparing budgets, bid solicitation, clarification of design principles, preparation of presentations and providing copies of plans and specifications for the bid process, review of incoming bids, preparation of a bid tab and recommendation, attendance at job meetings, review of submittals and completion of a final punch list at construction completion. One separate item is the creation of design documents and plans for the proposed outdoor fireplace, and

WHEREAS, there is presently \$379,483.22 plus interest allocated under Capital Project H-39, Milestrip Recreation area for this project. With some final design decisions or clarifications to be made, the Town Engineer recommends the formation of a Steering Committee consisting of Town Supervisor, Town Board, Building & Grounds Committee, Recreation Director, Recreation Committee Chair, Highway Superintendent and Town Engineer

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with Fontanese-Folts-Aubrecht-Ernst-Bammel Architects, 666 Main Street, East Aurora, New York, 14052, to provide professional services for the Milestrip Sports Complex Pavilion project in an amount not to exceed \$24,350, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #11 Approve Change Order #4 to the Contract with Janik Paving & Construction

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

WHEREAS, the Engineering Department is requesting the Town Board approval of Change Order to the contract with Janik Paving & Construction, Inc., for the Comprehensive Water System Improvements Project Part 1 in the amount of \$10,449.13. If approved, this would increase the total contract amount of \$2,561,032.67, representing an increase of 0.41%, and

WHEREAS, the Change Order is requested to perform additional work under their contract for the Comprehensive Water System Improvements Project – Part 1 by adding bid item – Remove Existing Hydrant and Solid Sleeve with the removal of the “T” fitting, and by extending bid items for additional work involved with the Minden Drive meter pit abandonment, and

WHEREAS, due to the age of the existing hydrant, the hydrant removals on East Quaker and the Milestrip Road hydrant removal approved through Change Order #3 will have to be completed by a method not originally called for on the plans. These older type hydrants are connected to the water main in a way that necessitates the shutting down of the water line, removal of the “T” fitting, and the replacement of that pipe section with a spool piece. This is a more involved and costly method than originally planned, but must be completed due to the type of fitting installed at the time of the hydrant installation, and

WHEREAS, additional work was necessary for the proper abandonment of the meter pit at Minden Drive, (ECWA has requested a hydrant on Milestrip Rd. be removed), which was originally approved through Change Order #2. Additional bends and a coupling were needed to properly align the water line pipe with the existing crossing at Lake Avenue, and avoid existing utility conflicts. With the testing required by ECWA, and the three existing valves not properly shutting down completely, an additional line valve was also added to complete the testing, and ensure complete shutdowns in the future

RESOLVED, that the Town Board does hereby authorize the amending of the Town's 2005 budget to increase estimated revenues and authorize additional appropriations as follows:

Increase appropriation account:

A.1410.0462 – Records Management \$11,380.00

Increase estimated revenues:

A.0000.3060 – State Aid – Record Management \$11,380.00

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby authorize the request of Lowe's, 3195 Southwestern Boulevard, Orchard Park NY 14127, to install a 20' cold-air inflatable balloon on the roof of their store for their Grand Opening Event from April 12, 2005 until April 24, 2005, with the requirement that certificates of insurance be supplied to the Building Inspector naming the Town as a co-insurer during the designated time the balloon will be displayed.

The resolution was unanimously adopted.

Supervisor Cudney announced at the request of the Town Engineer, that the Erie County Water Authority will be closing the Sturgeon Point Plant on April 14, 2005, from midnight until 6:00 AM and there may be a decrease in water pressure.

Supervisor Cudney stated that the annual Community Earth Day Clean up is scheduled for Saturday, April 23, 2005. Anyone who would like to participate can meet at 9:30 AM at Green Lake/Yates Park at the Recreation Building. Two volunteer groups joining this effort are the Americorps and Orchard Park Quaker Corps.

The Town Clerk stated that the Erie County Board of Elections staff has been cut dramatically. To compensate for lack of manpower, delivery of the Town voting machines to the school for the upcoming budget elections will be a week earlier than usual. The Town Clerk mentioned that the Election Inspector Training School, which is held in June, could also be affected.

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

RESOLVED, that the Town Board does hereby authorize the Highway Superintendent to advertise for Sealed Bids for One (1) New Utility Tractor, Trade in of one (1) 1966 Allis-Chalmers D-10 Tractor for the Highway Department, bid opening to be on April 19, 2005 at 11:00 AM in the Supervisor's Conference room, at the Municipal Center, 4295 South Buffalo Street, Orchard Park NY 14127, and be it further

RESOLVED, that the Town Clerk will publish due notice in the official paper for the Town.

The resolution was unanimously adopted.

DEPARTMENT HEADS FROM THE FLOOR

24) 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 #7 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$177,689.39
Part Town Fund	7,668.86
Risk Retention	0.00
Cemetery Fund	0.00
Highway Fund	55,019.14
Special Districts	30,664.64
Trust & Agency	10,758.24
Capital Fund	34,895.69

The resolution was unanimously adopted.

Receive & File Report

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

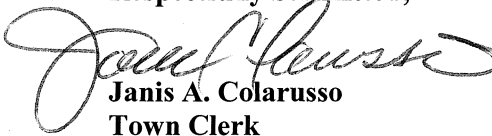
RESOLVED, that the Town Board does hereby receive and file the following report: Police Chief's Monthly Report for March 2005.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

There being no business from the floor, on motion by Supervisor Cudney, seconded by Councilwoman Ackerman, to wit: the meeting was adjourned at 7:37 PM (local time).

Respectfully Submitted,



Janis A. Colarusso
Town Clerk

