

TC

RESOLVED, that the Town Board does hereby authorize to continue the extension of Patrick J. McMaster to the position of transition/training consultant as of July 7th, 2019 at a rate of \$28.50 per hour, not to exceed 60 days.

RESOLUTION

WHEREAS, the Town of Orchard Park has determined it necessary to adopt a written policy concerning office closing during weather events, and

WHEREAS, a Committee was formed to adopt that policy, and

WHEREAS, that Committee has drafted such a written policy acceptable to the Town Board, and

WHEREAS, the Town Board wishes copies of that policy to be distributed to all Department Managers,

NOW, THEREFORE, BE IT RESOLVED that:

- 1) The Town of Orchard Park hereby adopts the Office Closing Due to Weather Events policy prepared by the Committee assigned to prepare that document and the original which is on file for review with the Town of Orchard Park Town Clerk a copy of which is attached hereto and made a part hereof; and
- 2) The Town of Orchard Park hereby directs copies of that policy to be provided to every Town of Orchard Park Department Manager for further distribution to employees in his or her department.

RESOLUTION

WHEREAS, the Town of Orchard Park has determined it necessary to adopt a written policy concerning office closing during weather events, and

WHEREAS, a Committee was formed to adopt that policy, and

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- 1) The Town of Orchard Park hereby adopts the Office Closing Due to Weather Events policy prepared by the Committee assigned to prepare that document and the original which is on file for review with the Town of Orchard Park Town Clerk a copy of which is attached hereto and made a part hereof, and
- 2) The Town of Orchard Park hereby directs copies of that policy to be provided to every Town of Orchard Park Department Manager for further distribution to employees in his or her department.

TOWN OF ORCHARD PARK

OFFICE CLOSING DUE TO WEATHER EVENTS

- (1) When the Police Department declares a travel ban, non-essential employees will not be required or allowed to report to work or if at work will be sent home.
- (2) If the Police Department declares a state of no unnecessary travel, non-essential employees shall not report to work or if at work will be sent home.
- (3) Time lost for these closures will be assessed to the Town and the affected employees will continue to be paid.
- (4) Essential personnel are defined as the staff who are required to report to their designated work location to ensure the operation of essential functions of their department during an emergency.
- (5) All Department Managers shall be responsible for identifying who, if any of their staff qualifies as essential personnel, and for providing the contact information for those people to the Supervisor and Chief of Police.
- (6) When a travel ban or a ban on unnecessary travel has been lifted before 12 noon, non-essential employees will have one hour to report to work.
- (7) If one of the two identified bans is lifted after 12 noon, non-essential employees will not be required to report for that day and the time lost will be assessed to the Town. Each Department Head will be responsible for notifying employees in their department of a lifted ban either directly or through a telephone tree developed by them. The Supervisor shall notify each Department Head when a travel ban is lifted.
- (8) The Town Board reserves the right to on an ad hoc basis re-identify a non-essential employee as an essential employee with transportation provided to and from the Municipal Building related to that re-designation to be provided by the Town.



TOWN OF ORCHARD PARK RECREATION DEPARTMENT

200 North Lake Drive Orchard Park, New York 14127-2609
 (716) 662-6450 Fax: (716) 209-0210
 E-Mail: oprec@orchardparkny.org
 Website: www.orchardparkny.org

July 17th, 2019

To: Town Board
 From: Ed Leak
 Director of Recreation

I respectfully submit the following for appointment to the staff of the Town of Orchard Park Recreation Department Summer 2019.

RE: Item 1 (2019 Summer Seasonal part time Staff Appointments Rate Change effective July 1st, 2019)

<u>Name</u>	<u>Old Rate</u>	<u>New</u>	<u>Rate Position (Title*)</u>
Jordyn Malinowski	\$12.50 PT5-A (Att)	\$14.00	PT6-B (Att)
Shannon Callaghan	\$13.00 PT5-C (Lg)	\$13.50	PT5-E (Lg)
Madeline Musterait	\$12.50 PT5-A (Lg)	\$13.50	PT5-E (Lg)

RE: Item 2 (2019 Summer Seasonal part time Staff Appointments effective July 8th, 2019)

<u>Name</u>	<u>Rate Position (Title*)</u>
Sydney Grossman	\$12.50 PT5-A (LG)

Note: The above appointment is dependent upon the applicant providing the required certifications.

*Att=Attendant

*LG= Lifeguard

Recreation Director: Ed Leak

Assistant Recreation Director: Kristin Santillo

Recreation Assistant: Jenni Carter



TOWN OF ORCHARD PARK

ENGINEERING DEPARTMENT

S 4295 South Buffalo Street Orchard Park, New York 14127-2609

Phone: (716) 662-6425
Fax: (716) 662-6488
Email: openg@orchardparkny.org

TOWN ENGINEER
WAYNE L. BIELER, P.E.

July 15, 2019

Honorable Town Board
Town of Orchard Park
4295 South Buffalo Street
Orchard Park, NY 14127

Re: Consultant Agreement - Green Lake Water Testing

Dear Board Members:

As previously discussed, the Engineering Department has solicited water sampling services and received a proposal from a local chemistry consultant firm, Alpha Analytical, which is qualified and completes this type of work on a regular basis.

The sampling services to be provided for the testing of Green Lake water include the following parameters:


- Volatile Organics - EPA624.1
- Acid/Base/Neutral Extractables – EPA625.1
- Herbicides – EPA 8151A Long List
- Total Phenol – EPA 420.1
- Pesticides – EPA 608.3
- Total Cyanide – SM 4500
- Total PP13 Metals – EPA 6010D/7470 (Zinc, Lead, Copper, Nickel, Mercury, Silver, Selenium, Chromium, Cadmium, Beryllium, Thallium, Prept, Arsenic)

The field sampling will also be completed by Alpha Analytical employees to ensure the samples are taken and handled correctly from the field to the lab. After analyzing and testing is complete, a standard lab report will be generated and sent to the Town for review.

There are presently funds (\$15,000.00+/-) allocated under Orchard Park Engineering Department "Water Quality Consultants" A.1440.000.50541 for this work.

I, therefore, recommend that you authorize the Supervisor to sign an agreement with Alpha Analytical, 8 Walkup Drive, Westborough, Massachusetts 01581 for an amount not to exceed \$1,107.00 to provide water collection, testing, analyzing and reporting for Green Lake.

Respectfully submitted,


Wayne L. Bieler, P.E., CFM *JCB*
Town Engineer

Attachment

cc: Town Clerk
AquaTech Environmental, Inc.
File #06.017

Visit the Town's website at www.orchardparkny.org



TOWN OF ORCHARD PARK

S 4295 Buffalo Street □ Orchard Park, New York 14127


MEMORANDUM

DATE: July 12, 2019

From: Wayne L. Bieler, P.E., CFM Town Engineer
To: Honorable Town Board
**Subject: Erie County Department of Environment and Planning
Round 16 Water Quality Improvement Projects – Municipal Separate
Storm System – Western New York Stormwater Coalition: Vac Truck
Project**

The New York State Department of Environmental Conservation is making available Environmental Protection Funds. The Water Quality Improvement Projects program provides reimbursement for eligible portion of the cost of implementing projects that include Municipal Separate Storm Sewer Systems (MS4) Phase II Stormwater Implementation.

The proposed project will result in a purchase of a vacuum truck for cleaning stormwater catch basins and storm sewers as well as training on proper techniques to ensure pollutant dispersal is prevented.

Erie County Department of Environment and Planning will oversee the administration of the grant for the Western New York Storm Water Coalition members that participate. Attached is a copy of a draft support letter/resolution the Town must submit to be a project partner with the Erie County Department of Environmental and Planning's Round 16 grant program with the New York State Department of Environmental Conservation.

I therefore recommend that you authorize the Supervisor to sign the commitment letter to participate in the Western New York Storm Water Coalition: Round 16 Water Quality Improvement Projects – Municipal Separate Storm System – Western New York Stormwater Coalition: Vac Truck Project, with the required matching contributions being in-kind services by the Orchard Park Engineering Department personnel.

Attachment

cc: Town Clerk
Building Inspector
Town Attorney
File #2004.014

John

WHEREAS, Buffalo Topsoil, 3340 North Benzing Road, Zoned I-1, SBL #152.13-3-23.3, suffered the loss of over 50% of its building in a fire, and

WHEREAS, Buffalo Topsoil, through its owner Alan Huegal, is seeking the continuation of a Non-Conforming Use at 3340 North Benzing Road, and

WHEREAS, the Orchard Park Planning Board has reviewed the request of Buffalo Topsoil and recommends by unanimous vote that the Orchard Park Town Board deny the request, pursuant to Town Code 144-61 (A) and (B),

NOW, THEREFORE be it

RESOLVED that

The Orchard Park Town Board does hereby deny the request for a continuation of a Non-Conforming Use for Buffalo Topsoil, 3340 North Benzing Road as recommended by the Orchard Park Planning Board, July 11, 2019.

LOCAL LAW FILING

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Orchard Park

Local Law (No.) of the Year 2019

A local law Amending Chapter 144 "Zoning", Section 144-75 North Buffalo Road and South Buffalo Street/Ellicott Road Architectural Overlay District"

Be it enacted by the Board of the

Town of Orchard Park as follows:

Amending Chapter 144 "Zoning", Section 144-75 "North Buffalo Road and South Buffalo Street/Ellicott Road Architectural Overlay District"

as follows:

SECTION 1:

§ 144 -75 North Buffalo Road and South Buffalo Street/Ellicott Road Architectural Overlay District.

- A. Purpose and goal: to maintain and enhance the unique character of North Buffalo Road from Southwestern Boulevard to the north Village line and South Buffalo Street and Ellicott Road from New Armor Duells to the south Village line in keeping with its small-town character. The character of Orchard Park is, in part, dependent upon its physical attributes, the architecture of its buildings, how well those buildings are located and oriented on their sites, how they relate to one another and the surrounding elements. A building's size, shape, height, mass, color, materials, texture, roofline, roof treatment, and window and entry placement combine to give the users and passerby a specific image and identification for the area in particular and the community as a whole. The following guidelines are intended to require excellence in the design of buildings proposed for the North Buffalo Road and South Buffalo Street/Ellicott Road Architectural Overlay District and to foster development that is consistent with the small-town character and the ambiance of suburban and yesteryear Orchard Park. These guidelines will address required approaches to the design of structures, focusing on building scale, shapes, massing, heights, colors, materials, roof treatments, facades, and building site orientation to achieve diversity and design excellence in residential and nonresidential development in the North Buffalo Road and South Buffalo Street/Ellicott Road Architectural Overlay District. Further, the streetscape and landscaping features of the area should enhance and complement the District to create the most attractive and compatible northern and southern entryway possible into the historic community center, the Village of Orchard Park.
- B. Definitions. As used in this article, the following terms shall have the meanings indicated:
NORTH BUFFALO ROAD/ARCHITECTURAL OVERLAY DISTRICT

(If additional space is needed, attach pages the same size as this sheet, and number each.)

All premises which have frontage on North Buffalo Road between the center line of Southwestern Boulevard and the Orchard Park Village line, extending 350 feet on the east and west sides of the street and any contiguous properties with the same owner prior to January 7, 2009.

SOUTH BUFFALO STREET/ELLICOTT ROAD ARCHITECTURAL OVERLAY DISTRICT

All premises along South Buffalo Street and Ellicott Road from New Armor Duells Road to the South Village Lot Line in the Business Zone.

- C. **Architecture.** The construction of new buildings, additions, alterations or renovations within the North Buffalo Road and South Buffalo Street/Ellicott Road Architectural Overlay District should add life and vibrancy to the existing neighborhood. New design must be carried out in such a way that it complements rather than detracts from the streetscape.
- D. **Location.** New construction, additions, alterations or renovations should be oriented in conformity with the other buildings on North Buffalo Road and South Buffalo Street/Ellicott Road to New Armor Duells Road. The prevailing setback of the street should be maintained by any new construction.
- E. **Scale.** New construction, additions, alterations or renovations should be compatible in scale with the other buildings in the area. New construction, additions, alterations and renovations of a massive scale shall not occur within the North Buffalo Road and South Buffalo Street/Ellicott Road Architectural Overlay District, nor shall very small, out-of-proportion main buildings on a property be added to the stock of the road. Buildings should not be branded using an architectural style of a company. Franchise architecture (building design that is trademarked or identified with a particular chain or corporation and is generic in nature) is not allowed.
- F. **Rhythm.** New construction, additions, alterations or renovations should mirror the window and door rhythm and the height of various elements (windows, rooflines, etc.) of the adjacent and other buildings on the street.
- G. **Massing.** New buildings should incorporate the same general patterns of massing, including window and door forms, roof profiles and building shapes as are evident in the existing architecture of the district.
- H. **Materials.** New buildings should incorporate the same exterior materials as exist on current buildings within the District. Large expanses of glass and synthetic materials should be avoided. The use of wood, composite wood, or cementitious is recommended.
- I. **Roof architecture and treatments.** The use of architectural features, such as three-dimensional cornice treatments, enclosed parapet wall forms and details, overhanging eaves, etc., are encouraged to enhance the architectural character of the roof. Roof-top plumbing, vents, ducts, and air-conditioning and heating equipment, communication antennae, and other mechanical or electrical equipment must be located away from public view and screened in such a manner so as not to be visible from any angle or any height outside of the building.
- J. **Other exposed mechanicals.** Exposed mechanical equipment, such as through-wall and window air conditioners, vent pipes, electrical conduit and boxes, is not permitted on the street face or on any side elevation that is visible from the street.
- K. **Additions.** Additions to existing buildings should generally be made on the side or rear elevation with minimal impact on existing features, and should be made in such a manner that, if removed in the future, existing material would not be irreparably damaged. Additions

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should use materials compatible with the existing building and should incorporate massing, scale, window and door proportions, etc.

L. General guidelines for new construction in the North Buffalo Road and South Buffalo Street/Ellicott Road Architectural Overlay District:

(1) New additions to existing properties shall include new construction physically attached to an existing structure, such as an appendage to a building, or separate new pieces of construction having nearby existing counterparts, such as a new building adjacent to a similar resource.

(2) Any new addition should be located in a manner that allows existing features to remain the primary visual and physical components of the existing property. Considerations include characteristics such as density, orientation, scale, and form of features both within the existing property and its setting.

(3) Attached additions, such as a building appendage, should be somewhat smaller in scale, although similar in overall form to the existing feature. Separate new construction, such as a new building along this overlay street, should be of the same general scale and size as the adjacent existing counterparts. Considerations include overall dimensions, as well as size of significant features, such as roof slopes and overall height, and general alignment. A general rule of thumb is that the new construction falls within 10% of the scale of existing equivalents.

(4) Additions to existing properties should reflect the shape or form of similar adjacent existing counterparts. When shape is determined by strict geometric arrangements, for example, the combination of rectilinear components to form buildings, these same forms should be reflected in the proposed addition. If existing forms are more organic or free-flowing, as might be the case in the arrangement of structures in the overall layout on a property, such forms should guide the design of the new construction.

(5) New construction should be comprised of individual features comparable, but not identical to, those of similar existing properties. In those areas of the North Buffalo Road and South Buffalo Street/Ellicott Road Architectural Overlay District which are characterized by dwellings having front porches, paired windows and dormers, etc., new buildings should include these same features.

(6) Materials used in new construction should be comparable with those of corresponding existing properties and their features. Additions having existing counterparts should reflect the overall pattern, texture, and color of materials found at the existing property. For example, a new outbuilding should complement the existing main building in application of roof, building massing, and foundation materials that complement those of the existing property.

(7) A property's color palate should not be more than three colors: one base color, one trim color, and one accent color. Encourage trim and accent colors that contrast with the base color. Trim and accent colors should be either lighter or darker than base color.

(8) Articulation.

(a) If buildings are longer than 30 feet, they should include modulation and/or articulation features at a maximum of 30 feet to reinforce the small pattern or earlier times. At least two of the following methods must be employed at intervals of no greater than 30 feet.

[1] The use of window and/or entries.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

- [2] The use of awnings.
- [3] The use of change of roofline.
- [4] The use of change in building materials or siding.
- [5] The use of other methods that meet the intent of the guidelines to retain the small-town feel of the structure.

(b) Vertical articulation should be used to moderate buildings extending to the full 35 feet of vertical development permitted by local ordinance, such as cornice treatments, differing levels of fenestration, material changes, pedestrian-scale building details, and weather protection elements, such as awnings and door overhangings.

M. Signs.

(1) Signs should be architecturally compatible with the style, compositions, material, color, and detail of the building and other signs on nearby buildings. They should also provide adequate identification of the business. All signs need to comply with the Town of Orchard Park Zoning Code general sign requirements.

(2) Signs constructed of materials such as wood or metal are preferred. Permanently painted window or awning signs are encouraged if compatible with the architectural style of the building. Painted window signs shall not consume more than 1/3 of the glazed area of the window.

(3) Neon signs are not permitted on the exterior of the building. They may be used in the interior of a display window. However, they may not cover more than 1/3 of the window surface.

(4) Projecting signs cannot block or obliterate intricate facade detailing, windows or cornices of the building upon which they are attached. Franchise signage will be moderated to comply with the design intents of the district.

N. Exterior lighting.

(1) Lighting along the North Buffalo Road and South Buffalo Street/Ellicott Road Architectural Overlay District shall serve to illuminate facades, signage, and landscaping. Illumination shall provide an adequate level of personal safety, while enhancing the aesthetic appeal of building and grounds.

(2) The use of shaded gooseneck style, lantern, and other style lighting fixtures relative to the particular architectural character of the building are recommended.

(3) The backlighting of semitransparent awnings, colored lighting, and neon lighting are not permitted.

(4) Catalogue cuts or photographs of all proposed lighting fixtures shall be submitted to the Architectural Review Committee for review and acceptance.

O. Awnings.

(1) The use of awnings is encouraged within the North Buffalo Road and South Buffalo Street/Ellicott Road Architectural Overlay District to enhance the traditional and historic character of the community. Awnings are to provide sun protection for display windows and/or residential windows, shelter for pedestrians, and a sign panel for businesses.

(2) Retractable or operable awnings are recommended. Large expanses of awnings should be broken into segments that reflect individual store fronts. Awnings are not permitted to extend across multiple store fronts and/or multiple buildings. Awnings must be constructed of durable, protective, and water-repellent material and project a maximum of 36 inches from a building facade. Plastic or fiberglass awnings are not permitted. The backlighting of permitted awnings is not acceptable.

P. Streetscaping. Landscaping treatments should be used to enhance the pedestrian and vehicular experience, complement architectural features, and/or screen utility areas.

(1) A streetscape master plan shall be prepared by a registered landscape architect which will encompass a selection of trees, shrubs, ground covers, perennials, location of annuals, as well as hardscapes. Hardscapes will include paving materials, benches, landscape aggregates, and lighting. This master plan will be reviewed by the Conservation Board and the Planning Board, with final approval granted by the Town Board.

(2) Any new construction shall conform to the streetscape master plan. The Conservation Board shall be familiar with all details of the plan as well as all landscape architects doing work in the Architectural Overlay District.

(3) Some plantings should be located on private property, with the permission of the owners, to give continuity to the whole streetscape.

(4) Funding of the streetscape shall be derived from recreation land fees, as well as forfeited landscape fees from other projects.

Q. Drive-Through Windows. Defined as those windows which allow for service of food and other services or product from a window in a structure which allows for such service without the patron leaving his or her vehicle is hereby prohibited in the Architectural Overlay District.

SECTION II:

This local law shall take effect upon filing in the Office of the Secretary of State or from the date of its service as against a person served personally with a copy thereof.

RESOLUTION

WHEREAS, the retirement of David Benes, from the Town of Orchard Park Assessor's Department has created several employment needs that the Town Board of Orchard Park wishes to address, and

WHEREAS, the Orchard Park Town Board wishes to promote Nancy Kenlon to "Assistant to the Assessor" at Step A of the Civil Service Range with an hourly rate of \$30.12, and

WHEREAS, the Orchard Park Town Board also wishes to retain the services of GAR Associates, LLC at an annual fee not to exceed \$45,000, and

WHEREAS, the Orchard Park Town Board wishes to hire a part time Seasonal Clerk for the Assessor's Office with a pay range of \$12-\$14/hour, with maximum cost of \$20,000,

NOW, THEREFORE, BE IT RESOLVED that:

- 1) Nancy Kenlon is promoted to the post of Assistant to the Assessor, effective July 8th, 2019, at Step A on the Civil Service Range for Assistant Assessor for an hourly rate of \$30.12, and
- 2) GAR Associates, LLC is hereby retained as Real Estate Appraisers and Consultants for an annual fee not to exceed \$45,000, which fee would be billed monthly. GAR Associates, LLC will work on site 2 times/week and do building permits only, and
- 3) The Town Assessor is hereby authorized to hire a part time seasonal clerk effective July 13, 2019 with a pay range of \$12-\$14/hour at a total cost to the 2019 budget not to exceed \$20,000.

RESOLUTION

WHEREAS, the Board of the Town of Orchard Park has approved a reorganization of the command structure of the Orchard Park Police Department, and

WHEREAS, as a part of that reorganization the Town of Orchard Park has created a new position of Administrative Captain (probationary), and

WHEREAS, on recommendation of Police Chief E. Joseph Wehrfritz, the Town of Orchard Park wishes to appoint Lieutenant Patrick Fitzgerald to the position of Administrative Captain (probationary) with pay and benefits as set out in the Command Officers Association Collective Bargaining Agreement effective as of this date,

NOW, THEREFORE, BE IT RESOLVED that:

- 1) Lieutenant Patrick Fitzgerald is hereby promoted to the position of Administrative Captain (probationary) with pay and benefits as set out in the Command Officers Association Collective Bargaining Agreement as of the date hereof. And,
- 2) This promotion shall take effect at 12:01 a.m. on July 19th, 2019.

RESOLUTION

WHEREAS, the Board of the Town of Orchard Park has approved a reorganization of the command structure of the Orchard Park Police Department, and

WHEREAS, as a part of that reorganization the Town of Orchard Park has created a new position of Patrol Captain (probationary), and

WHEREAS, on recommendation of Police Chief E. Joseph Wehrfritz, the Town of Orchard Park wishes to appoint Lieutenant Jason Schiedel to the position of Patrol Captain (probationary) with pay and benefits as set out in the Command Officers Association Collective Bargaining Agreement effective as of this date,

NOW, THEREFORE, BE IT RESOLVED that:

- 1) Lieutenant Jason Schiedel is hereby promoted to the position of Patrol Captain (probationary) with pay and benefits as set out in the Command Officers Association Collective Bargaining Agreement as of the date hereof.
And,
- 2) This promotion shall take effect at 12:01 a.m. on July 18th, 2019.

WHEREAS, Buffalo Topsoil, 3340 North Benzing Road, Zoned I-1, SBL #152.13-3-23.3, suffered the loss of over 50% of its building in a fire, and

WHEREAS, Buffalo Topsoil, through its owner Alan Huegal, is seeking the continuation of a Non-Conforming Use at 3340 North Benzing Road, and

WHEREAS, the Orchard Park Planning Board has reviewed the request of Buffalo Topsoil and recommends by unanimous vote that the Orchard Park Town Board deny the request, pursuant to Town Code 144-61 (A) and (B),

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