

7c

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.

County City Town Village
(Select one.)

of Orchard Park

Local Law No. _____ of the year 20 19

A local law Amending Chapter 97 "Parks & Playgrounds", Article 1 "General Provisions",
(Insert Title)
Section 97-11 "Hunting".

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Orchard Park as follows:

SECTION 1

Section 97-11 Hunting

No person shall hunt game and/or use a hunting implement on property owned by the Town of Orchard Park or within 500 feet of the boundaries of a park, playground, or developed recreational area owned by the Town of Orchard Park.

SECTION 2

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.

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

TC

RESOLVED that the Town Board is hereby authorized to set the date for the 2020 Organizational Meeting and 1st Regular Meeting of 2020 for Thursday, January 2, 2020 in the Municipal Building basement meeting room at 7:00 PM, the work session, in the Supervisor's conference room, will begin at 6:00 PM and be it further

RESOLVED, that the Town Clerk is hereby directed to publish due notice thereof.



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.

December 16, 2019

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

**Re: *Barrington Heights Part 2 – Highcrofte Lane 3 Sublot Subdivision
Map, Plan and Report Orchard Park Drainage District OPDD 2-6***

Dear Board Members:

Attached is a petition, and metes and bounds received by the Town of Orchard Park pursuant to Town Law Section 191, that the Town Board establish a Drainage District for the Barrington Heights Part 2 Subdivision. The map, plan and report for the proposed Orchard Park Drainage District OPDD 2-6 for the Barrington Heights Part 2 – Highcrofte Lane 3 Sublot Subdivision prepared by Carmina Wood Morris, P.C. in accordance with Article 12 of the Town Law is available at the Town Clerk's office for public review.

The project involves the installation of the Subdivision's stormwater drainage system, which includes the piping infrastructure and roadway catch basins. The construction cost of the Subdivision's stormwater drainage system is estimated at \$22,000, which is the Subdivision development costs associated with drainage infrastructure construction only and will be bore entirely by the developer (ARR Holding, LLC).

The establishment of a Drainage District is in the public interest because the district will service prospective new homeowners with the required drainage control of water quality and quantity per the Federal EPA Environmental Law, the Clean Water Act and Stormwater Phase II regulations. The district formation is to cover additional costs the Town will encounter due to this unfunded mandate, as well as provide necessary maintenance to the stormwater system.

For the drainage district creation, the applicant has completed and submitted the Short EAF, Parts 1 for this Unlisted SEQRA action. The Planning Board has completed a Full Environmental Assessment Form with a coordinated review being conducted with the Town of Orchard Park acting as Lead Agency for the Subdivision Approval.

Honorable Town Board
December 16, 2019
Page 2

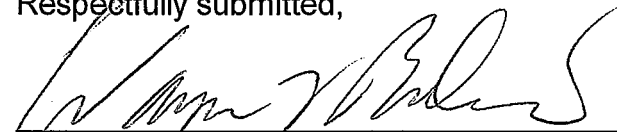
I therefore recommend that you adopt the following resolutions:

Accept the map, plan and report in accordance with Section 191 of the Town Law for the establishment of the Orchard Park Drainage District OPDD 2-6.

Authorize the scheduling of a Public Hearing on the creation of Orchard Park Drainage District 2-6 for the Barrington Heights Part 2 – Highcrofte Lane 3 Sublot Subdivision at your regular meeting of January 2, 2020.

Subsequent to the public hearing and completion of the SEQR process, you may then adopt the necessary orders establishing the district. Only after the district creation can the associated Subdivision project proceed with the Planning Board final approval.

Respectfully submitted,



Wayne L. Bieler, P.E.
Town Engineer

Attachments

cc: Town Attorney
Town Clerk
Town Assessor
Planning Board
File 94.046.4



TOWN OF ORCHARD PARK

ENGINEERING DEPARTMENT

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TOWN ENGINEER
WAYNE L. BIELER, P.E.

December 16, 2019

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

Re: *Smokes Creek Farms 22-Sublot Subdivision - Map, Plan and Report Orchard Park Drainage District OPDD 2-8*

Dear Board Members:

Attached is a petition, and metes and bounds received by the Town of Orchard Park pursuant to Town Law Section 191, that the Town Board establish a Drainage District for the Smokes Creek Farms 22-Sublot Subdivision. The map, plan and report for the proposed Orchard Park Drainage District OPDD 2-8 for the Smokes Creek Farms 22-Sublot Subdivision prepared by Carmina Wood Morris, P.C. in accordance with Article 12 of the Town Law is available at the Town Clerk's office for public review.

The project involves the installation of the Subdivision's stormwater drainage system, which includes the piping infrastructure, roadway catch basins, bioretention pond, and detention basin systems for stormwater quality. The construction cost of the Subdivision's stormwater drainage system is estimated at \$403,510, which is the Subdivision development costs associated with drainage infrastructure construction only and will be bore entirely by the developer (James Jerge).

The establishment of a Drainage District is in the public interest because the district will service prospective new homeowners with the required drainage control of water quality and quantity per the Federal EPA Environmental Law, the Clean Water Act and Stormwater Phase II regulations. The district formation is to cover additional costs the Town will encounter due to this unfunded mandate, as well as provide necessary maintenance to the stormwater system.

For the drainage district creation, the applicant has completed and submitted the Short EAF, Parts 1 for this Unlisted SEQR action. The Planning Board has completed a Full Environmental Assessment Form with a coordinated review being conducted with the Town of Orchard Park acting as Lead Agency for the Subdivision Approval.

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

Honorable Town Board
December 16, 2019
Page 2

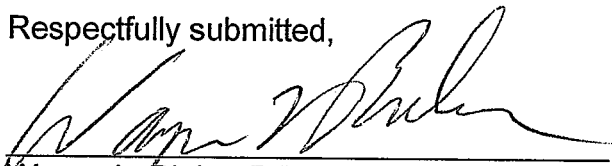
I therefore recommend that you adopt the following resolutions:

Accept the map, plan and report in accordance with Section 191 of the Town Law for the establishment of the Orchard Park Drainage District OPDD 2-8.

Authorize the scheduling of a Public Hearing on the creation of Orchard Park Drainage District 2-8 for the Smokes Creek Farms 22-Sublot Subdivision at your regular meeting of February 5, 2020.

Subsequent to the public hearing and completion of the SEQR process, you may then adopt the necessary orders establishing the district. Only after the district creation can the associated Subdivision project proceed with the Planning Board final approval.

Respectfully submitted,



Wayne L. Bieler, P.E.
Town Engineer

Attachments

cc: Town Attorney
Town Clerk
Town Assessor
Planning Board
File 07.037.3

TC

WHEREAS, on November 21, 2019 the Association of Erie County Governments approved a resolution supporting legislation (S.6853) introduced by Senator Chris Jacobs, and

WHEREAS, the resolution implored the State of New York to immediately amend or otherwise delay implementation of legislation eliminating cash bail for many specific enumerated crimes, the imposition of stringent discovery mandates on police and prosecutors and stripping judges of their discretion to set bail for many specific enumerated crimes,

WHEREAS, many of those suspected of committing crimes will no longer be held in jail after their arrest regardless of the strength of the case against these defendants or the length of the potential sentence faced by these defendants, and

WHEREAS, these defendants will be released back into the general public

NOW THEREFORE be it

RESOLVED

That the Orchard Park Town Board supports the certified resolution unanimously approved by the Association of Erie County Governments on November 21, 2019.

WHEREAS, these crimes include Assault in the Third Degree, Aggravated Vehicular Assault, and other crimes of physical violence against people; and also include Burglary of a Residence, resulting in the immediate release of these individuals back into the neighborhoods they are suspected of targeting. Bail Jumping and Unlawfully Fleeing a Police Officer in a Motor Vehicle, resulting in release on recognizance of the very individuals who have demonstrated a propensity to evade the law; and

WHEREAS, all of the offenders mentioned heretofore are at risk of not showing up for court, thereby placing a burden on public employees who, under this law, are required to send multiple court appearance reminders to these offenders, as well as police officers and District Attorneys who must commit resources to tracking and pursuing those who evade prosecution; and

WHEREAS, all offenders who are currently being held in custody for non-qualifying crimes including those mentioned heretofore will be eligible for release from custody on January 1, 2020; and the discovery mandates imposed by the State of New York will require police and District Attorneys, beginning January 1, 2020, to turn over voluminous trial-related materials to defense attorneys within 15 days, creating a mandate that will inevitably not be achieved in some cases and may result in the inability of the People to properly prosecute cases against criminal defendants; and

WHEREAS, discovery reform will also result in an opportunity for defendants to gain access to crime scenes that may include a victim's residence, thereby giving defendants accused of burglaries, assaults, rapes and other crimes committed in victims' homes the right to return to those same homes; and the issues mentioned heretofore will undeniably impact past, present and future victims of crime in a negative manner, and in so doing, the bail and discovery reforms adopted by the State of New York will themselves further victimize these innocent individuals; and

WHEREAS, these bail and discovery laws, in their current form, represent a clear and present danger to society, will tilt the scales of justice in favor of suspected criminals and away from innocent crime victims, and risk reversing decades of bipartisan progress made by the State of New York in reducing crime; and the fundamental responsibility of governments to protect the vulnerable in society demands that the shortcomings of these laws be remedied prior to their effective date of January 1, 2020,

BE IT RESOLVED, that the Association of Erie County Governments hereby supports legislation (S.6853) introduced by Senator Chris Jacobs and implores the State of New York to immediately amend or otherwise delay implementation of these laws by convening an emergency session of the State Legislature, or by emergency executive authority, or by any other means deemed possible by the State, and to do so before December 31, 2019; and

BE IT FURTHER RESOLVED, that the Association of Erie County Governments asks all counties in New York State to urge their state representatives to take immediate action on the foregoing issues, and

BE IT FURTHER RESOLVED, that copies of this resolution be provided to Attorney General Letitia James, Governor Andrew Cuomo, Lieutenant Governor Kathy Hochul, Senator Charles Schumer, Senator Kirsten Gillibrand, Honorable Speaker of the Assembly Carl E. Heastie, Honorable Senate Majority Leader Andrea Stewart-Cousins, Honorable Republican Minority Leader John Flanagan, Honorable Majority Leader of the Assembly Crystal People-Stokes, Honorable Minority Leader of the Assembly Brian Kolb, the Western New York Delegation and Erie County Executive Mark Poloncarz and the Erie County Legislature. The New York State Association of Counties, the New York State Sheriffs' Association, the New York State Association of Chiefs of Police, the District Attorneys Association of New York, the New York State Defenders Association, the New York State Probation Officers Association, the New York Council of Probation Administrators, the Association of Justices of the Supreme Court of the State of New York, the New York State Association of City Court Judges, the County Judges Association of the State of New York, and the County Attorneys' Association of the State of New York, The Association of Towns and NYCOM.

I, Marilyn Calhoun-Allen, Executive Director of the Association of Erie County Governments, do hereby certify that the foregoing is a full and true transcript of the resolution passed at the meeting of the Associations of Erie County Governments, as held in the Town of Orchard Park on November 21, 2019 and that said meeting was duly called and duly constituted and that a quorum was present.

WITNESS my hand and the seal of the Association of Erie County Governments this 1st day of December 2019.

Marilynn Calhoun-Allen
Marilynn Calhoun-Allen, Executive Director

MEMBERS: CITIES/ Buffalo* Lackawanna* Tonawanda *COUNTY of Erie * TOWNS/ Alden* Amherst* Aurora* Boston* Brant* Cheektowaga* Clarence* Colden* Collins* Concord* Eden* Elma* Evans* Grand Island* Hamburg* Holland* Lancaster* Marilla* Newstead* North Collins* Orchard Park* Sardinia* Tonawanda* Wales* West Seneca * VILLAGES/ Akron* Alden* Angola* Blasdell* Depew* East Aurora* Farnham* Gowanda* Hamburg* Kenmore* Lancaster* North Collins* Orchard Park* Sloan* Springville* Williamsville*

RESOLUTION

WHEREAS, the Town of Orchard Park owns real property locally known as 70 Linwood Avenue in the Town and Village of Orchard Park, and

WHEREAS, the Town of Orchard Park houses its Senior Center at said 70 Linwood Avenue, and

WHEREAS, the Town of Orchard Park is constructing a new Community Activity Center which, when completed, will be the new home for the Town of Orchard Park Senior Center, and

WHEREAS, the Town of Orchard Park will no longer need 70 Linwood Avenue once the Community Activity Center is completed and its Senior Activities are moved to that new location, and

WHEREAS, the Town of Orchard Park has marketed 70 Linwood Avenue and received an acceptable Purchase Offer from Joseph Zannoni as an agent for an entity to be formed, and

WHEREAS, the purchase price set out in said Purchase Offer is \$550,000 with the purchaser paying the \$25,000 realtor's commission, and

WHEREAS, the full Purchase Offer is on file with the Orchard Park Town Clerk and available for further public review,

NOW, THEREFORE, BE IT RESOLVED that:

- 1) The Orchard Park Town Supervisor is hereby authorized to sign said Purchase Offer for the Sale of 70 Linwood Avenue, and
- 2) Subject to a Permissive Referendum, the Town of Orchard Park is hereby authorized to sell 70 Linwood Avenue pursuant to the subject Purchase Offer.

NOTICE OF ADOPTION OF RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM

Notice is hereby given, that the Town Board of Town of Orchard Park, County of Erie, State of New York at the regular meeting thereof held on the 18th day of December 2019 duly adopted a resolution subject to a Permissive Referendum, an abstract of which is as follows:

The purpose of the resolution is to accept a Purchase Offer for the Sale of 70 Linwood Avenue in the Town and Village of Orchard Park from Joseph Zannoni as an agent for an entity to be formed, to authorize the Supervisor of the Town of Orchard Park to sign said Purchase Offer, and to authorize the Town of Orchard Park to, subject to a Permissive Referendum, proceed to a closing of the Sale of said 70 Linwood Avenue pursuant to the terms and conditions of said Purchase Offer. The said 70 Linwood Avenue is no longer needed by the Town of Orchard Park since the Senior activities that it houses are to be moved to the new Community Activity Center at Brush Mountain Park on California Road in the Town of Orchard Park.

WHEREAS, the Town of Orchard Park authorizes the Town of Orchard Park Police Department's application for funding through the New York State (NYS) Division of Criminal Justice Services (DCJS) LIVESCAN Equipment Program for the purchase of a new fingerprint scanning system to replace the current system that is reaching end-of-life service, and

WHEREAS, the Town Board approves the Orchard Park Police Department commitment to provide the 50% cash match requirement from the department's equipment reserve fund.

NOW, THEREFORE, be it

RESOLVED, that the Town Board supports the Orchard Park Police Department 2020-2021 application for New York State Division of Criminal Justice Services funding.



TOWN OF ORCHARD PARK

ENGINEERING DEPARTMENT

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

Phone: (716) 662-6425
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TOWN ENGINEER
WAYNE L. BIELER, P.E.

December 13, 2019

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

**Re: 2019 Winter Help
Engineering Department**

Dear Board Members:

Funds have been allocated in the 2019 budget for seasonal help in the Engineering Department. With the current work load of the Engineering Department getting caught up, I am recommending Matt Duebell. Matt worked with the department over the summer and was an asset to the team.

I, therefore, recommend that you approve Matt Duebell, 1240 Rice Road, Elma, New York 14059 to a seasonal position in the Engineering Department starting December 23, 2019 and ending January 17, 2020, while he is on break from college, at a wage rate of \$12.50 per hour.

Respectfully submitted,

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

cc: Town Clerk
Dawn Whalend, Personnel
Matt Duebell
File

New Business:

RESOLVED, that the Town Board does hereby approve the Town Court Clerks, Cindy Jondle and Marie Falzone to sell back unused vacation and personal days, and/or transfer up to five vacation days to the next calendar year.

TC

Resolution for Budget Amendment –
Youth Court Restitution

WHEREAS, the Town has paid for damages to replace the All Traffic Solutions sign, and

WHEREAS, the Town has received restitution to pay for the damages.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorize the amending of the 2019 adopted budget to authorize additional appropriations and estimated revenues in the amount of \$287.48:

Increase Appropriations:

PS3120 50445	PS Vehicle repair and maintenance	\$287.48
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Increase Estimated Revenues:

PS0000 41521	PS Police Dept Fees	\$287.48
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WHEREAS, Orchard Park Town Board recognizes the importance that trees hold in our communities, and

WHEREAS, the Arbor Day Foundation is an organization that is dedicated to planting trees, and

WHEREAS, trees change people's lives and enhance the quality of life in our communities, and

WHEREAS, the Arbor Day Foundation sponsors a Tree City certification for communities that are stewards of their trees and the benefits they provide to their community, and

WHEREAS, the Town of Orchard Park is applying for the Arbor Day Foundation Tree City certification and part of that certification is the submission of a Tree Ordinance

THEREFORE NOW be it

RESOLVED

That the Town Board approves the Town of Orchard Park Tree Ordinance.

Town of Orchard Park Tree Ordinance

TC

Be it ordained by the Town Board of the Town of Orchard Park, New York:

Section 1: Definitions

AAN: American Association of Nurserymen

AAN standards: Any tree under four inches in caliper is measured six inches from the ground; any tree four inches and over in caliper is measured 12 inches from the ground.

Caliper: The diameter of a tree trunk in inches

DBH: The diameter of a tree trunk at breast height, which is height of five feet, six inches from the finished grade at the base of the tree

ROW: Right-of-way

Trees, shrubs: Any plants that have self-supporting, above-ground parts that are visible year-round

Street trees: Trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the Town

Park trees: Trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the Town or to which the public has free access as a park

Section 2: Creation and Establishment of a Town Tree Board

There is hereby created and established a Town Tree Conservancy Committee for the Town of Orchard Park, New York that shall consist of seven members, citizens and residents of this Town, who shall be appointed by the Supervisor with approval by the Town Board.

Section 3: Term of Office

The term of the seven persons to be appointed by the Supervisor with the approval of the Town Board shall be one year. In the event that a vacancy occurs during the terms of any member, his/her successor shall be appointed by the Town Board for the unexpired portion of the term.

Section 4: Compensation

Members of the board shall serve without compensation.

Section 5: Duties and Responsibilities

It shall be the responsibility of the Tree Conservancy Committee to study, investigate, council, develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Simultaneously, the Committee will work in coordination with the Town Highway Department and the Town's grant writers to develop grant applications for DEC funding to conduct a professional tree inventory from which a community urban forestry management plan will be developed. The Committee will oversee implementation of the management plan and develop strategies to improve community outreach, education and involvement. Prior to the start of any professionally conducted inventory or adoption and implementation of a management plan, all information will be presented to the Town Board and members of the community at a public meeting.

The Committee, when requested by the Town Board, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

Section 6: Operation

The Committee shall choose its own officers, make its own rules and regulations. The Committee shall keep a written record of its proceedings and forward a copy of the record to the Town Clerk. A majority of the members shall be a quorum for the transaction of business.

Section 7: (120-2.)Town Arborist

- A. The office of the Town Arborist is hereby established within the Highway Department.
- B. The Town Arborist, in consultation with the Conservation Board and the Superintendent of Highways, shall have the authority to implement and enforce the provisions of this article.
- C. In furtherance of the purposes of this article, the Town of Orchard Park, in consultation with the Town Arborist, the Superintendent of Highways and the Conservation Board, shall have the authority to adopt rules and declarations regarding arboricultural specifications and standards of practice and such rules and regulations as the Town determines are necessary. These regulations shall govern the planting, maintenance, removal, fertilization, pruning and protection of trees and shrubs on public streets, parks and other Town property.

<u>SMALL TREES</u>	<u>MEDIUM TREES</u>	<u>LARGE TREES</u>
Apricot	Hackberry	Coffee tree, Kentucky
Crabapple, flowering (sp)	Honeylocust (thornless)	Maple, Silver
Golden Rain Tree	Linden or Basswood (sp)	Maple, Sugar
Hawthorne (sp)	Mulberry, Red	Oak, Bur
Pear Bradford	(fruitless male)	Sycamore
Redbud	Oak, English	Sycamore, London
Soapberry	Oak, Red	plantree
Lilac, Jap. Tree	Pagodatree, Japanese	
Peach, Flowering	Pecan	
Plum, Purple leaf	Birch, River	
Serviceberry	Osage orange	
	(Male thornless)	
	Persimmon	
	Popular, white	
	Sassafras	

Section 8: (120-3.) Planting, Maintenance, Removal and Replacement Regulations

- A. No person or agency shall plant, spray, fertilize, prune, remove, replace or otherwise disturb or impact any tree or shrub on any public street, right-of-way, park or other town-owned property without first submitting a written request and obtaining written permission from the Town Arborist.
- B. Persons or agencies doing required maintenance work on trees or shrubs may be granted permits to cover their work on a yearly basis.
- C. It is the responsibility of the Town Arborist to determine if trees or shrubs on town-owned property are hazardous, dead or should be removed.

D. Requests from private citizens, builders and developers that new street trees be planted on the ROW fronting the property shall be accommodated commensurate with and in accordance with the planting priorities set by the Town Arborist.

E. Requests for memorial plantings shall be granted in accordance with review, approval and supervision by the Town Arborist with respect to species and location.

F. Any person constructing a new one- or two-family dwelling on a single lot will be required to pay a fee set by the Town annually to cover the cost of tree purchase and planting. Construction of a two-family home will require the payment of a fee to cover the cost of planting two trees. The fee will be paid in conjunction with the building permit. The variety is to be determined by the town's master planting list. If determined by the Town Arborist that the requisite tree is not appropriate for location within the ROW, the fees will be used to plant trees on other Town properties.

G. Whenever a person or agency damages or removes a tree or shrub or obtains written permission to remove a tree or shrub from any town-owned land for the purpose of construction or any other reason, such person or agency may be required to replace the tree or shrub in a location to be determined by and under the supervision of the Town Arborist or have the Town replace the tree or shrub at the expense of the person who obtained permission. Such replacement shall meet the standard if they die within that two-year period.

H. In order to ensure and maintain tree and shrub health and quality, whenever any person or agency is required to plant or replace a tree or shrub pursuant to this article, such materials shall be guaranteed for a period of two years and shall be replaced at the direction of the Town Arborist at the expense of the person or agency responsible for the original plantings if they die within that two-year period.

I. Any trees, shrubs, plants, timbers and other such materials placed by the property owners in the right-of-way or town-owned land may be removed. Notification will be sent to each property owner, who will have 30 days to comply. If the property owner fails to comply, the Town may remove the above-mentioned materials, dispose of them and bill the cost to the property owner.

Section 9: (120-4.) Damage Prohibited

A. Unless specifically authorized in writing by the Town Arborist, no person or agency shall intentionally damage, cut, carve, transplant or remove any tree or shrub on town-owned property, attach a rope, wire, nails, advertising posters or any other contrivance to any tree or shrub, allow gas, liquid or soil substance which is harmful to any tree or shrub to come in contact with it or set fire or permit fire to burn when fire or heat will injure any portion of tree or shrub. If trees and shrubs in the ROW or on town-owned lands are damaged or destroyed, the cost of their removal and replacement will be charged to the responsible person or agency.

B. Without written permission from the Town Arborist, no person or agency shall undertake any construction or development activity, or move or park vehicles or equipment associated with construction or development which may affect any tree or shrub on Town property.

C. Guarding of trees and shrubs.

(1) Unless the Town Arborist, for good cause, determines otherwise, all trees and shrubs on any Town road or other town-owned property directly impacted by any construction shall be guarded as follows:

(a) For trees or shrubs with a crown spread of eight feet or fewer, a fence, frame or box not less than four feet high and eight feet square shall surround the tree or shrub.

(b) For trees and shrubs with a crown spread over eight feet, a fence not less than four feet high shall be placed at the drip line of the tree or at a distance prescribed by the Town Arborist.

(2) All material, soil and debris shall be kept outside barriers.

(3) No person or agency shall store any materials so as to impede passage of water, air and fertilizer to tree roots.

Section 10: (120-5.) Obstruction of Streets

A. It shall be the duty of any person owning real property with plantings bordering on a town-owned ROW to ensure that trees and shrubs on that property are pruned in a manner that they will not obstruct visibility of streetlights, not obstruct pedestrian traffic or sidewalks, not obstruct vision of traffic signs, not obstruct the view of any street intersection, as determined by the Arborist, and not obstruct access to fire hydrants or other utilities.

B. Should any person owning real property bordering on any public street fail to comply as above, the Town Arborist shall order the owner to take corrective action within 30 days after receipt of written notice.

C. When a person to whom an order is directed fails to comply, it shall be lawful for the Town to prune such trees and shrubs, and the cost shall be assessed to the owner.

Section 11: (120-6.) Emergency Work; Appeals

A. This article shall not govern any emergency activity immediately necessary to protect life, safety or property, or to maintain access to any property. Any such activity shall incorporate reasonable efforts to protect trees and shrubs on Town property from unnecessary damage.

B. Any person or agency engaged in any action covered by Subsection A shall make a reasonable effort to notify the Town Arborist prior to commencing that action and shall, in any event, provide written notice to the Town Arborist of the emergency and the work to be done within three calendar days of commencing that work.

C. Should a dispute arise in the administering of this article, an appeal can be requested by petitioning, in writing, the Town Arborist. The Town Arborist will have 10 working days to reply in writing. Should this provide an unsatisfactory resolution, a second appeal can be requested by petitioning the Superintendent of Highways. In such event, the Superintendent of Highways shall consult with the Town Arborist. The Superintendent will have 10 working days from the filing of the second appeal to reply in writing. Should this also provide an unsatisfactory resolution, a third appeal can be requested by petitioning Town Board. The Town Board will act upon the petition within 60 days from the date of receiving the petition.

Section 12: (120-7.) Historic Trees

Designated historic trees in the ROW, identified by the Town Arborist, will be given the highest degree of protection possible to preserve them for future generations.

Section 13: (120-8.) Removal of Dead and Diseased Trees on Private Property

If necessary, as determined by the Arborist, the Town shall have the right to cause the removal of any dead or diseased trees on private property within the Town when such trees constitute a hazard to public life and property, or harbor insects or disease which constitute a potential threat to other trees within the Town on private property. The Town will notify in writing the owners of such trees. Removal or pruning shall be done by the owners at their expense within 60 days after the date of service of notice. In the event of failure to comply with the required removal, the Town is authorized to remove or have such trees removed and charge the cost of removal to the property tax notice of the owner.

TC

WHEREAS, Amy Glende has served the Town of Orchard Park as the Records Management Supervisor and LGRMIF Grant Project Director; and

WHEREAS, Amy Glende has been instrumental in helping the town obtain grants from the New York State Archives for records management; and

WHEREAS, Amy Glende is also working with the police department on records management and seeking out grants; and

WHEREAS, Amy Glende has demonstrated expertise in the area of records management; and

WHEREAS, the Town of Orchard Park has a continued need for records management expertise

NOW, THEREFORE be it

RESOLVED, that Amy Glende is appointed to the position of full-time Records Management Supervisor at a rate of \$20.00 per hour for the period January 1, 2020 to June 30, 2020.



TOWN OF ORCHARD PARK

TC

MEMORANDUM

S.4295 SOUTH BUFFALO STREET
ORCHARD PARK, NEW YORK 14127
(716) 662-6432, ext. 2202

DATE: December 13, 2019

TO: Town Clerk, Remy Orffeo
Kathy Swarbrick
Building Inspector Steve Bremer

FROM: Rose Messina

SUBJECT: Item(s) for December 18, 2019 - TB Agenda

NEW BUSINESS:

Please refer the following to Planning & Conservation Boards for review.

1. Benderson Development, 3340 - 3350 Southwestern Boulevard ("The Commons/Creek side Plaza") Zoned B-1. Request to construct a stand-alone 1,910 sq. ft. "Mighty Taco" Restaurant with a Drive-thru, with associated site, utility and drainage improvements. (SBL#152.16-6-1.2)



TOWN OF ORCHARD PARK

S 4295 Buffalo Street □ Orchard Park, New York 14127



MEMORANDUM

To: Supervisor Patrick Keem
From: Wayne L. Bieler, P.E., CFM Town Engineer
Date: December 12, 2019
Subject: Budget Transfer – Engineering Department

I request that you authorize the following budget transfer within the 2019 Budget due to the vehicle use policy and the need of travel for training:

\$ 97.50

From: Budget Code: A01440 50200
(Engineering Equipment)

To: Budget Code: A01440 50412
(Mileage Reimbursement)

cc: Remy Orffeo, Town Clerk
Tricia Jurek, Accounting
File



TOWN OF ORCHARD PARK

S 4295 Buffalo Street □ Orchard Park, New York 14127

MEMORANDUM

To: Supervisor Patrick Keem
From: Wayne L. Bieler, P.E., CFM Town Engineer
Date: December 12, 2019
Subject: Budget Transfer – Engineering Department

I request that you authorize the following budget transfer within the 2019 Budget due to the need of extra water testing and NYS Department of Environment Conservation Payments for projects, additional work involved in various Town construction sites/NYSDEC NOI permits which were never charged to a municipality before. There was also additional cost for Green Lake testing as requested and approved:

\$ 440.00

From: Budget Code: A01440 50200
(Engineering Equipment)

To: Budget Code: A01440 50541
(Water Quality Consultant)

cc: Remy Orffeo, Town Clerk
Tricia Jurek, Accounting
File



TOWN OF ORCHARD PARK

S 4295 Buffalo Street □ Orchard Park, New York 14127



MEMORANDUM

To: Supervisor Keem
From: Wayne L. Bieler, P.E., CFM Town Engineer
Date: December 12, 2019
Subject: Budget Transfer – Sewer, Water & Lighting Department

I request that you authorize the following Budget Transfer within the 2019 Sewer, Water & Lighting Dept. Budget due to more first aid needs this year:

\$ 168.93

From: Budget Code: WS8346 50480
(Contingent)

To: Budget Code: WS8346 50408
(First Aid Supplies)

cc: Remy Orffeo, Town Clerk
Tricia Jurek, Accounting
Andy Slotman, OP Sewer, Water & Lighting
File



rc

Neighborhood Preservationists Inc.

60 School Street • P.O. Box 1035 • Orchard Park, NY 14127

December 6, 2019

Mr. Remy C. Orffeo
Orchard Park Town Clerk
Town of Orchard Park Municipal Building
4295 South Buffalo St.
Orchard Park, NY 14127

Dear Mr. Orffeo,

This letter is in regard to the proposed Erie Cattaraugus Rail Trail, Inc., ("ECRT"). ECRT was formed to open for public use a 27-mile former rail line in Western New York's south towns. Our organization, Neighborhood Preservationists Inc., ("NPI") is a 501(C)(3) not-for-profit volunteer organization. We are a community-based organization composed of residents of the Town of Orchard Park, NY, many of whose properties abut the abandoned railroad right-of-way over which ECRT proposes to develop a recreational trail. Currently, the proposed Orchard Park section of the rail trail runs adjacent to at least twelve streets (more than 100 homes) in well-established neighborhoods, where **85% of the residents are opposed to development of the abandoned rail to a public trail**. In addition, in 2008, the neighboring towns of Ashford, Colden, Aurora, and Concord, passed resolutions opposing trail development that are still in effect.

NPI may consider a "bypass" of our most heavily impacted residential communities utilizing our current trail system and less utilized roadways, as proposed by a member of the Town Council. In response, ECRT has incorrectly replied they must develop the old railroad right-of-way, or it will turn into a "zombie property." **Trail development is not required** for the right-of-way to remain in its existing railbanked status, and **the corridor can remain undeveloped** as long as the underlying property interests remain intact. If ECRT were truly focused on developing a trail, it would undertake a sincere effort to work with communities to seek the optimum means of doing so, as the Town has proposed.

The preservation of Green space is important to our neighborhoods. This corridor can be preserved as a railbanked right-of-way under federal law even if no trail development occurs. This corridor now serves as a protected route for animals such as: deer, bears, coyotes, fox, fisher cats, and birds as they pass through an otherwise developed area. The establishment of wildlife corridors is an increasingly important strategy for habitat preservation. An abandoned railroad right-of-way is ideally suited to this. The construction of a trail will involve clearing the right-of-way of protective vegetation. Fencing or other barriers will likely be constructed. All of these elements would disrupt the "volunteer" habitat that has emerged and would be detrimental to wildlife protection.

Since the proposed trail is private property, it will not be routinely policed by trained public safety officials. Although ECRT has proposed that volunteer patrols will monitor the trail, police will need to be called for any incidents that occur. Aside from the privacy concerns, the lack of any separation between the trail and adjoining properties raises serious security issues, especially for senior citizens and families with young children.

NPI's mission is to protect the character and integrity of our community. Most residential life occurs in the back yards of a rural/suburban community. These residents expect to be able to maintain the privacy of their back yards. Unless ECRT proposes robust fencing and screening along the trail, which they have not done to date, backyards facing the trail will become as public as front yards which is detrimental to the character of our neighborhoods. With proposed operating hours of dawn to dusk, residents' back yards will be under almost constant observation from the general public. A lack of information, from ECRT, about how it plans to accommodate parking near trail access points has created confusion in the community. Certain neighborhood streets will become de facto parking facilities for the trail; thus, creating traffic, safety, and unauthorized trespassing to gain access to the trail. Since our last communication with you, NPI has retained local and national counsel to assist us in achieving our mission.

Please join NPI by *only* supporting a proposed ECRT plan with a bypass of this residential area.

Preserve the wildlife corridor, Save our Greenspace, Protect our families.

We look forward to working with you.

Gregg Tomani
Carolyn Coppola
Co-Chairs
Neighborhood Preservationists Inc.

BUILDING PERMITS	# OF	VALUE	BUILDING PERMITS	# OF	VALUE
NEW CONSTRUCTION:			ABOVE GROUND POOLS		
SINGLE DWELLING	4	1,397,000	INGROUND POOLS	2	77,000
DOUBLE DWELLING			DECKS	3	31,900
APT/MULTI-FAMILY	2	998,200	ELECTRICAL	11	50,800
COMMERCIAL			FENCES	7	33,030
ADDITIONS:			GARAGE / BARN / POLE BARN		
RESIDENTIAL	1	150,000	GENERATORS	19	120,876
COMMERCIAL			MISC.	1	30,000
ALTER/REPAIR:			PORCH/PATIO	2	33,610
RESIDENTIAL	6	50,448	SHEDS	3	6,540
COMMERCIAL / TENANT BO	3	319,000	SIGNS	3	10,600
SOLAR PV SYSTEM			TOTAL:	67	3,309,004

INSPECTIONS	NUMBER OF INSPECTIONS PER ZONE				TOTAL
	1	2	3	4	
NEW CONSTRUCTION:					
RESIDENTIAL	4	6	1	8	16
COMMERCIAL		1	1	1	3
ADDITIONS:					
RESIDENTIAL	4	2	5	4	15
COMMERCIAL				1	1
ALTER/REPAIR:					
RESIDENTIAL	7	3	2		12
COMMERCIAL / TENANT BO			2	4	6
ABOVE GROUND POOLS					
INGROUND POOLS					
DECKS			1	6	7
ELECTRICAL	9	4	5	6	24
FENCES	2	1		5	8
GARAGE/BARN/POLE BARN	2	2	6	1	22
GENERATORS	13	2	6	1	22
MISC.	1	4	4	8	17
PROPERTY MAINTANICE	1	7	4	9	21
SHEDS	1	1	6	3	11
SIGNS				1	1
SOLAR PV SYSTEM		1	1		2
FIRE INSPECTIONS		6	8	11	25
CLOSEOUT INSPECTIONS					
TOTAL INSPECTIONS:	44	37	46	69	169

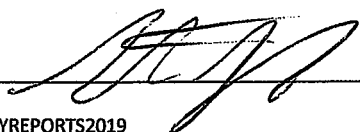
Meetings Attended	Town Board	Planning Board	Z B A	Court
Steven Bremer	2	1		
David Holland			1	
John Wittmann				3
Tom Minor				
Rayne Degre				

ZONING BOARD OF APPEALS:

GRANTED: 3DENIED: 0

REMARKS:

SIGNATURE: _____



DATE: _____

12/10/19



TC

TOWN OF ORCHARD PARK

PLANNING DEPARTMENT

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

Phone: (716) 662-6432, ext. 2202
Email: opplanning@orchardparkny.org

ACTING PLANNING COORDINATOR
Remy C. Orffeo

MEMORANDUM

TO: Supervisor Keem, Councilmembers Majchrzak & Sherry
FROM: Remy C. Orffeo, Training Coordinator
RE: 2019 Training Report
DATE: December 4, 2019

I am pleased to report the results of the 2019 training program for the Planning Board and Zoning Board of Appeals members. This program was put in place to comply with NYS Town Law Section 267 and 271 which took effect on January 1, 2007.

Planning Board

The following regular and alternate members of the Planning Board have completed the required four (4) hours of training: Paul Bodden, Hal Fabinsky, Henry Heppner, David Kaczor, Joseph Liberti, Philip Murray, Nick Taneff and Nicholas Baich (alternate). All members are in compliance.

Zoning Board of Appeals

All members of the Zoning Board of Appeals, including the alternate member, have successfully completed the required training for 2019: Kim Bowers, Lauren Kaczor, Robert Lennartz, Dwight Mateer, Robert Metz and Barb Bernard, alternate.

Thank you.