

At a regular meeting of the Town Board for the Town of Orchard Park held the 21st day of June, 2023 at the Orchard Park Town Hall, 4295 South Buffalo Street, Orchard Park, New York.

TOWN OF ORCHARD PARK

TOWN BOARD

RESOLUTION AND FINAL ORDER ESTABLISHING TOWN WIDE DRAINAGE AND STORMWATER MANAGEMENT DISTRICT PURSUANT TO ARTICLE 12-A OF THE TOWN LAW OF THE STATE OF NEW YORK

WHEREAS, the Town of Orchard Park (the “Town”) has previously established twenty (20) separate, non-contiguous drainage and stormwater management districts (the “Existing Districts”) organized under the New York State Town Law (“Town Law”); and

WHEREAS, the Town Board for the Town of Orchard Park (the “Board”) has determined that it is in the best interests of the residents of the Town to consolidate and/or extend the Existing Districts to establish one Town-wide drainage and stormwater management district, excluding, however, properties within the Village of the Orchard Park (the “Town Drainage and Stormwater Management District”); and

WHEREAS, Town Law Article 12-A authorizes the Town to establish and/or extend drainage and stormwater districts within the Town, subject to a permissive referendum as provided in Town Law Articles 7 and 12-A; and

WHEREAS, the Board retained GHD Consulting Services, Inc. (“GHD”) to provide engineering and planning services to assist its consideration and adoption of the proposed Town Drainage and Stormwater Management District; and

WHEREAS, the Board and GHD prepared a general map, plan and report dated January 11, 2023, which outlined district boundaries, estimated costs, a general plan and proposed method of operation (collectively, the “Map, Plan and Report”) for the proposed Town Drainage and Stormwater District, which includes all real property within the Town of Orchard Park, but which excepts out and excludes all real property within the Village of Orchard Park; and

WHEREAS, in accordance with Town Law Article 12-A, the Map, Plan and Report was filed with the Town Clerk of the Town of Orchard Park (the “Town Clerk”) as of the 15th day of February, 2023 and made available for public view and inspection in the Office of the Town Clerk; and

WHEREAS, in accordance with Town Law Article 12-A, after reviewing the Map, Plan and Report, the Board adopted an order and entered such order into the Board minutes at a regularly scheduled Town Board meeting held on the 15th day of February, 2023 (the “February 15th Order”);

WHEREAS, in accordance with Town Law Article 12-A, the February 15th Order contained a description of the proposed district boundaries, the improvements proposed, the maximum amount proposed to be expended for the improvements, a statement of no hook-up fees, the proposed method of financing to be employed and the fact that the Map, Plan and Report containing such information was on file with the Town Clerk and available for public inspection in the Town Clerk’s Office; and

WHEREAS, in accordance with Town Law Article 12-A, the February 15th Order directed that a public hearing would be held on the 15th Day of March, 2023 starting at 7:00 p.m. at the Orchard Park Town Hall, 4295 South Buffalo Street, Orchard Park, New York to hear all persons interested in the proposed Town Drainage and Stormwater District (the “Public Hearing”); and

WHEREAS, in accordance with Town Law Article 12-A, the February 15th Order was published in the Town’s official newspaper and posted on the Town’s official bulletin board on the 2nd Day of March, 2023; and

WHEREAS, the Board held the Public Hearing on the 15th of March, 2023 at which all interested persons were given an opportunity to be heard regarding the proposed Town Drainage and Stormwater District; and

WHEREAS, the Public Hearing was closed upon motion by the Board on the 15th of March, 2023; and

WHEREAS, following the closing of the Public Hearing, in accordance with Town Law Article 12-A, the Board adopted an Order and Resolution, dated March 15, 2023 (the “March 15th Order”), by which it approved the establishment of the Town Drainage and Stormwater Management District and determined that (a) the proposed improvements to service the Town Drainage and Stormwater District are satisfactory and sufficient; (b) the notice of the Public Hearing was published and posted as required by law and is otherwise sufficient; (c) all of the property and property owners within the proposed Town Drainage and Stormwater District are benefited thereby; (d) all of the property and property owners benefited are included within the boundaries and limits of the proposed Town Drainage and Stormwater District (as more particularly described in Appendix A of the March 15th Order, a copy of such description is attached hereto as Appendix A and made a part hereof); and (e) it is in the public interest to establish the Town Drainage and Stormwater District; and

WHEREAS, pursuant to Town Law Articles 7 and 12-A, the thirty-day statutory period during which a Petition for Referendum regarding the proposed establishment of the Town Drainage and Stormwater Management District could be filed with the Town commenced on the 15th of March, 2023 and ended on the 14th of April, 2023 (the “Referendum Period”); and

WHEREAS, no such Petitions for Referendum were filed with the Town during the Referendum Period; and

WHEREAS, pursuant to Town Law Article 12-A, the Town Clerk has executed a certificate certifying that no such Petitions for Referendum had been filed with the Town during the Referendum Period, a copy of such certificate is attached hereto and made a part hereof.

NOW, THEREFORE, THE TOWN BOARD DOES HEREBY RESOLVE AND ORDER, that the Town Drainage and Stormwater Management District be established in the Town and designated as the Town Drainage and Stormwater Management District with the descriptions and boundaries as set forth in Appendix A, which includes all real property within the Town of Orchard Park, but which excepts out and excludes all real property within the Village of Orchard Park; and it is further

RESOLVED AND ORDERED, that, in accordance with Town Law Article 12-A, the Town Clerk is hereby authorized and directed to cause a certified copy of this Resolution and Order to be duly recorded in the Office of the Clerk of Erie County within ten (10) days following the adoption of this Resolution and Order; and it is further

RESOLVED AND ORDERED, that, in accordance with Town Law Article 12-A, the Town Clerk is hereby authorized and directed to file a certified copy of this Resolution and Order with the Office of the New York State Comptroller, Albany, New York, within ten (10) days following the adoption of this Resolution and Order.

A meeting of the Town Board of Orchard Park, Erie County, New York was convened in public session pursuant to duly given notice at 4295 South Buffalo Road, Orchard Park, New York on June 21, 2023 at 7:00 p.m., local time.

The meeting was called to order by _____ and upon roll being called, the following Town Board members were:

PRESENT:

ABSENT:

The foregoing Order/Resolution was offered by _____, seconded by _____, and duly adopted.

**APPENDIX A
TOWN DRAINAGE AND STORMWATER MANAGEMENT DISTRICT
PROPERTY DESCRIPTION**

**Description for the Town of Orchard Park
Town Boundary**

Reference Drawing Erie County tax map for 2022

This Description for the Town of Orchard Park Boundary is referenced to the 2022 Erie County tax map as provided in digital format by Erie County in this configuration on the date of this description preparation of June 22, 2022 and revised on December 29, 2022. This document was prepared with the intent of providing for future taxation districts for drainage improvements within the Town of Orchard Park and other general use.

The Town of Ellicott was erected from the Town of Hamburg on October 15 of 1850. This name was changed to East Hamburg on February 20 of 1852, and changed to Orchard Park on February 28 of 1934. This description for the Town of Orchard Park is based on the Holland Land Company's Survey of western New York completed in 1797, which established Townships, Ranges, Right-of-Ways and Great Lots for the sale of property for private holdings.

Boundary Description

Beginning at the northeast corner of the Town of Orchard Park, said corner being the southeast corner of the Town of West Seneca, said corner being on the west line of the Town of Elma, said corner being at the northeast corner of Great Lot 399, Buffalo Creek Indian Reservation of Township 10, Range 7 of the Holland Land Company's Survey, said corner also being on the westerly transit meridian for said Holland Land Company's Survey and said corner also being the intersections of Transit Road centerline and Reserve Road centerline;

Thence southerly along the east line of the Town of Orchard Park, along the said western transit meridian, along the east line of Range 7 and the west line of Range 6, along the west line of the Town of Elma, along the easterly lines of Great Lots 399, 473, 2, and 1, Buffalo Creek Indian Reservation, Township 10, Range 7 of the Holland Land Company's Survey to the southeast corner of said Great Lot 1, said corner also being the southwest corner of the Town of Elma at the southwest corner of Great Lot 37, Buffalo Creek Indian Reservation of Township 10, Range 6 of the Holland Land Company's Survey; said corner also being the northwest corner of the Town of Aurora at the northwest corner of Great Lot 64, Township 9, Range 6, of the Holland Land Company's Survey, said point also being the northeast corner of Great Lot 72, Township 9, Range 7 of the Holland Land Company's Survey;

Thence southerly along the east line of the Town of Orchard Park, along the said western transit meridian, along the east line of Range 7 and the west line of Range 6 and along the east line of said Great Lot 72 and the west line of The

Town of Aurora to the southeast corner of said Great Lot 72 at the north line of the Big Tree Right-of-Way (66.0 feet wide) as set by the Holland Land Company's Survey;

Thence continuing southerly along the east line of the Town of Orchard Park, along the said western transit meridian, along the east line of Range 7 and the west line of Range 6 and the west line of The Town of Aurora, across the said Big Tree Road Right-of-Way to the south said Big Tree Road Right-of-Way at the northeast corner of Great Lot 71, Township 9, Range 7 of the Holland Land Company's Survey;

Thence continuing southerly along the east line of the Town of Orchard Park, along the said west transit meridian, along the east line of Range 7 and the west line of Range 6 and the west line of the Town of Aurora, along the east line of said Great Lot 71 and continuing along the east line of Great Lot 70, Township 9, Range 7 of the Holland Land Company's Survey to the southeast corner of said Great Lot 70, said corner also being on the centerline of Jewett Holmwood Road as shown on the Holland Land Company's Survey maps, said corner also being the northeast corner of Great Lot 69, Township 9, Range 7 of the Holland Land Company's Survey;

Thence continuing southerly along the east line of the Town of Orchard Park, along the said west transit meridian, along the east line of Range 7 and the west line of Range 6 and the west line of the Town of Aurora, along the east lines of map covers 2249, 2283, 2334 and 3190 of the Eagle Heights Development and along the east lines of said Great Lot 69 and Great Lots 68, 67, 66, and 65, Township 9, Range 7 of the Holland Land Company's Survey to the southeast corner of said Great Lot 65, crossing the Ellicott Road Right-of-Way and the Baltimore & Ohio Railroad Company Right-of-Way in said Great Lot 68; and crossing the Behm Road Right-of-Way in said Great Lot 65; said corner also being the southeast corner of the Town of Orchard Park, said corner also being the southwest corner of Great Lot 57, Township 9, Range 6 of the Holland Land Company's Survey of the Town of Aurora, said corner also being the northeast corner of Great Lot 70, Township 8, Range 7 of the Holland Land Company's Survey of the Town of Boston, said corner also being the northwest corner of Great Lot 64, Township 8, Range 6 of the Holland Land Company's Survey of the Town of Colden.

A special note on the East Boundary of the Town of Orchard Park

(Said East Township Line is not the same as the centerline of Transit Road. Improvements to Transit Road have caused the centerline to diverge from the Township line in several areas.)

Thence westerly along the south line of the Town of Orchard Park, along the south line of Township 9 and along the north line of Township 8, along the north line of the Town of Boston and along the south line of said Great Lot 65 to the southwest corner of said Great Lot 65;

Thence continuing westerly along the south line of the Town of Orchard Park, along the south line of Township 9 and along the north line of Township 8, along the north line of the Town of Boston and along the south line of Great Lot

57, Township 9 Range 7 of the Holland Land Company's Survey to the intersection with Cole Road centerline and Ward Road centerline;

Thence continuing westerly along the south line of the Town of Orchard Park, along the south line of Township 9 and along the north line of Township 8, along the north line of the Town of Boston and continuing along said south line of said Great Lot 57 and along the said centerline of Ward Road to the southwest corner of said Great Lot 57;

Thence continuing westerly along the south line of the Town of Orchard Park, along the south line of Township 9 and along the north line of Township 8, along the north line of the Town of Boston and along the south lines of Great Lots 1 and 9, Township 9, Range 7 of the Holland Company's Survey to the southwest corner of said Great Lot 9, crossing Scherff Road Right-of-Way in said Great Lot 1 and crossing old Chestnut Ridge Road Right-of-Way in said Great Lot 9;

Thence continuing westerly along the south line of the Town of Orchard Park, along the south line of Township 9 and along the north line of Township 8, along the north line of the Town of Boston and along the south line of Great Lot 17, Township 9, Range 7 of the Holland Company's Survey to a point at the northeast corner of sub-lot 3 of map cover 2426, crossing Boston Ridge Road Right-of-Way (formerly North Boston Road) in said Great Lot 17;

Thence westerly along the south line of the Town of Orchard Park and along the south line of Township 9 and along the north line of Township 8, along the north line of the Town of Boston and continuing along the said south line of Great Lot 17, along the north line of said sub-lot 3 and the north line of said map cover 2426 and then through sub-lot 4 of said map cover 2426, a total distance of 358.55 feet to a point on the northwest line of said sub-lot 4 and the southeast line of sub-lot 5 of said map cover 2426;

Thence northeasterly now leaving and through said Great Lot 17 and through said map cover 2426 and along the said northwest line of sub-lot 4 and the said southeast line of sub-lot 5, a distance of 108.97 feet to an angle point of said sub-lots 4 and 5;

Thence northerly through said Great Lot 17 and said map cover 2426 and along the west line of said sub-lot 4 and the east line of said sub-lot 5, a distance of 752.18 feet to a point, said point being 100 feet south of the northwest corner of said sub-lot 4 and the northeast corner of said sub-lot 5, as measured along the said west line of sub-lot 4 and the said east line of sub-lot 5, said point being the northeast corner of the Town of Boston at the corner of the Town of Orchard Park;

Thence westerly through said Great Lot 17 and through said map cover 2426 and through the said sub-lot 5 and sub-lot 6 of said map cover 2426, parallel with the north lines of said sub-lot 5 and said sub-lot 6, a distance of 370.00 feet to a point on the west line of said sub-lot 6 and the east line of a sub-lot identified as exception lot "A" of said map

cover 2426, said point being 100 feet south of the northwest corner of said sub-lot 6 and the northeast corner of the said sub-lot identified as exception lot "A", as measured along the west line of said sub-lot 6 and the said east line of the sub-lot identified as exception lot "A"; said point being the northwest corner of the Town of Boston at the corner of the Town of Orchard Park;

Thence southerly through said Great Lot 17 and through said map cover 2426 and along the said west line of sub-lot 6 and the said east line of a sub-lot identified as exception "A", a distance of 855.90 feet to a point on the said south line of Great Lot 17, said point being the southeast corner of the Town of Orchard Park at the corner of the Town of Boston;

Thence westerly along the south line of the Town of Orchard Park along the south line of Township 9 and along the north line of Township 8, along the north line of the Town of Boston and along the south line of said Great Lot 17 and continuing westerly along the south line of Great Lot 25, Township 9, Range 7 of the Holland Land Company's Survey to the southwest corner of said Great Lot 25, crossing Abbott Road Right-of-Way in said Great Lot 25, also crossing into the east Right-of-Way of the Southern Expressway, Section II (U. S. Route 219), said southwest corner also being the southwest corner of The State of New York Department of Transportation Parcel 291 on map 238;

Thence continuing westerly along the south line of the Town of Orchard Park and along the south line of Township 9 and along the north line of Township 8, along the north line of the Town of Boston, along the south line of said Great Lot 33, Township 9, Range 7 of the Holland Land Company's Survey within the Right-of-Way of the Southern Expressway, Section II (U. S. Route 219), a tax map distance of 139.35± feet to an angle point in the Town line of Orchard Park, said angle point being a southwest corner of the Town of Orchard Park and the southeast corner of the Town of Hamburg;

Thence northwesterly through said Great Lot 33 and along the record southwest line of the Town of Orchard Park, and along the record northeast line of the Town of Hamburg crossing the said Southern Expressway, Section II (U. S. Route 219) in The State of New York Department of Transportation Parcel 162 on map 160 to a point on the south Right-of-Way of Dorst Drive (50.0' wide) of map cover 1396, said point being 35.7 feet easterly measured along the said Dorst Drive south Right-of-Way from the northwest corner of sub-lot 14 and northeast corner of sub-lot 13 of said map cover 1396;

Thence continuing northwesterly through said Great Lot 33 and along the record southwest line of the Town of Orchard Park and along the record northeast line of the Town of Hamburg to a point on the north line of map cover 1396 and north line of sub-lot 1 of said map cover 1396; said point being 59.5 feet westerly measured along the said north line of map cover 1396 and north line of sub-lot 1 from the northeast corner of said sub-lot 1;

Thence continuing northwesterly through said Great Lot 33 and continuing into and through Great Lot 34, Township 9, Range 7 of the Holland Land Company's Survey and along the record southwest line of the Town of Orchard Park

and along the record northeast line of the Town of Hamburg to a point on the west line of said Great Lot 34 located at the southwest corner of sub-lot 6B of map cover 1889, said southwest corner is at a called for concrete monument on said map cover 1889, said point also being an angle point at the Town of Orchard Park and Town of Hamburg.

The previously described line being the southwest line of the Town of Orchard Park and the northeast line of the Town of Hamburg in Great Lot 33 and Great Lot 34, Township 9, Range 7 of the Holland Land Company's Survey

Thence northerly along the west line of the Town of Orchard Park, along the east line of the Town of Hamburg, and along the west line of said Great Lot 34, and along the west line of said map cover 1889 to the northwest corner of sub-lot 12 of said map cover 1889;

Thence continuing northerly along the said west line of the Town of Orchard Park, along the said east line of the Town of Hamburg and along the said west line of Great Lot 34 to the northwest corner of said Great 34 at the southwest corner of Great Lot 35, Township 9, Range 7 of the Holland Land Company's Survey, said corner being the southwest corner of sub-lot 15 of the Petrie Subdivision of map cover 2024, said corner being a distance of 219.27 feet measured westerly along the south line of said Great Lot 35 from the west Right-of-Way of Carlton Drive (60 feet wide) of said map cover 2024;

Thence continuing northerly along the said west line of the Town of Orchard Park, along the said east line of the Town of Hamburg and along the said west line of Great Lot 35 and running along the west line of said map cover 2024, a distance of 750.21 feet to the centerline of Newton Road (formerly 49.5 feet wide now 66.0 feet wide) and the northwest corner of map cover 2024;

Thence continuing northerly along the said west line of the Town of Orchard Park, along the said east line of the Town of Hamburg and along the said west line of Great Lot 35, passing through sub-lots 32, 33, 34 and 53 of map cover 3181 to the northwest corner of said Great Lot 35, said corner also being the southwest corner of Great Lot 36, Township 9, Range 7 of the Holland Land Company's Survey, said corner also being at an old angle point on the centerline of Abbott Road;

Thence continuing northerly along the said west line of the Town of Orchard Park, along the said east line of the Town of Hamburg and along the said west line of Great Lot 36, and along the centerline of Abbott Road to a point in said centerline, said point being at the southwest corner of lands conveyed to Dennis Bracci and Karen Bracci, husband and wife, by deed filed in the Erie County Clerk's Office in Liber 11150 of Deeds at page 7755;

Thence continuing northerly along the said west line of the Town of Orchard Park, along the said east line of the Town of Hamburg and along the said west line of Great Lot 36 and leaving the centerline of Abbott Road, a distance of 1783.13 feet to a point at the northwest corner of said Great Lot 36, said point also being the southwest corner of Great Lot 37, Township 9, Range 7 of the Holland Land Company's Survey, on the centerline of Armor Duells Road (formerly Armor Road), said point being 264.2± feet west of the intersection of Armor Duells Road centerline at the southerly extension of the west Right-of-Way of Short Drive (51 feet wide) as measured along said centerline of Armor Duells Road;

Thence continuing northerly along the said west line of the Town of Orchard Park, along the said east line of the Town of Hamburg and along the said west line of Great Lot 37, said line crossing the centerline of Abbott Road and continuing to a point at the southeast corner of an "exception" parcel of map cover 2064 at the intersection of Abbott Road (66.0' wide) west Right-of-Way;

Thence continuing northerly along the said west line of the Town of Orchard Park, along the said east line of the Town of Hamburg and along the said west line of Great Lot 37, through said map cover 2064; crossing Gerber Parkway (55 feet wide) Right-of-Way to a point on the north line of said map cover 2064 at the north line of sub-lot 1 of said map cover 2064, said point being 127.16 feet westerly of the centerline of Abbott Road as measured along said north line of the map cover 2064 and said north line of sub-lot 1;

Thence continuing northerly along the said west line of the Town of Orchard Park, along the said east line of the Town of Hamburg and along the said west line of Great Lot 37 to the northwest corner of said Great Lot 37, said corner also being the southwest corner of Great Lot 38, Township 9, Range 7 of the Holland Land Company's Survey, said corner also being the southwest corner of lands conveyed by Liber 2014 of deeds at Page 148 and filed in the Erie County Clerk's Office, said point also being 304 feet south of the northwest corner of sub-lot 7 of map cover 2015, as measured along said west line of said Great Lot 38;

Thence continuing northerly along the said west line of the Town of Orchard Park, along the said east line of the Town of Hamburg and along the said west line of Great Lot 38, through said map cover 2015 and along a portion of the easterly line of said map cover 2015 to the northeast corner of sub-lot 6 of said map cover 2015;

Thence continuing northerly along the said west line of the Town of Orchard Park, along the said east line of the Town of Hamburg and along the said west line of Great Lot 38 crossing Hickory Road (66 feet wide) Right-of-Way and along the west line of Elmwood Grove Subdivision of map cover 939 and continuing northerly along said lines to the northwest corner of Great Lot 38 at a called for stone monument, said point also being the southwest corner of Great Lot 39, Township 9, Range 7 of the Holland Land Company's Survey;

Thence continuing northerly along the said west line of the Town of Orchard Park, along the said east line of the Town of Hamburg and along the said west line of Great Lot 39 to the southwest corner of sub-lot 122 of Greenfield Subdivision of map cover 875 at a called for stone monument;

Thence continuing northerly along the said west line of the Town of Orchard Park, along the said east line of the Town of Hamburg and along the said west line of Great Lot 39 and the west line of said map cover 875 to the northwest corner sub-lot 23 of said map cover 875 at a called for stone monument, said corner also being the northwest corner of map cover 875, said corner being at the Big Tree Road south Right-of-Way as a 66.0 feet wide road (width now varies);

Thence continuing northerly along the said west line of the Town of Orchard Park, along the said east line of the Town of Hamburg and along the said west line of Great Lot 39, crossing the said Big Tree Road Right-of-Way to the northwest corner of Great Lot 39 at the south Right-of-Way of the original Big Tree Road as set by the Holland Land Company's Survey;

Thence continuing northerly along the said west line of the Town of Orchard Park, along the said east line of the Town of Hamburg, crossing the original Big Tree Road Right-of-Way to the north Right-of-Way of the said original Big Tree Road at the southwest corner of Great Lot 40, Township 9, Range 7 of the Holland Land Company's Survey;

Thence continuing northerly along the said west line of the Town of Orchard Park, along the said east line of the Town of Hamburg and along the said west line of Great Lot 40, crossing the Right-of-Ways of Southwestern Blvd. (width Varies) and Sheldon Road (66 feet wide) and along the west line of lands conveyed to The Board of Education of Central School District No. 1 of the Towns of Orchard Park, Aurora, Hamburg, Elma, West Seneca and Boston, filed in the Erie County Clerk's Office in Liber 5770 of Deeds at Page 233 to the northwest corner of said Great Lot 40 and the northwest corner of said Central School District No. 1, said corner also being a northwest corner of the Town of Orchard Park at the corner of the Town of Hamburg, said corner also being the northeast corner of Great Lot 48, Township 9, Range 7 of the Holland Land Company's Survey, said corner also being on the north line of the Township 9 of Range 7, on the south line of Great Lot 33 of the Buffalo Creek Indian Reservation in Township 10, Range 7 of the said Holland Land Company's Survey;

Thence easterly along the north line of the Town of Orchard Park, the north line of said Great Lot 40, Township 9, Range 7, a south line of the Town of Hamburg, the said south line of Great Lot 33, Township 10, Range 7 and the south line of Orchard Acres Subdivision of map cover 952 to the northwest corner of sub-lot 1 of Abbott Grove Subdivision of map cover 897, said lines also being 1.00 foot south of and parallel to the south Right-of-Way of Olympic Avenue (formerly Orchard Avenue 32 feet wide) as shown on said map cover 952;

Thence continuing easterly along the same previously mentioned lines and also along the north line of said map cover 897 to the centerline intersection of Webster Road (formerly Transit Road) as a 49.5 feet wide road and Abbott Road as a 66.0 feet wide road, said intersection point also being the southeast corner of said Great Lot 33, said intersection point also being the southwest corner of Great Lot 30 of the Buffalo Creek Indian Reservation in Township 10, Range 7 of the said Holland Land Company's Survey, said intersection point also being the southeast corner of the Town of Hamburg at a corner of the Town of Orchard Park;

Thence northwesterly along the centerline of Abbott Road (66.0 feet wide), the southwest line of the Town of Orchard Park, the southwest line of said Great Lot 30, the northeast line of the Town of Hamburg and the northeast line of said Great Lot 33 to the centerline intersection point with the Milestrip Road centerline, said intersection point being the northwest corner of said Great Lot 30 and the northeast corner of said Great Lot 33 and the southwest corner of Great Lot 31 of the Buffalo Creek Indian Reservation in Township 10, Range 7, and said intersection point also being known as AR-2 of New York State Department of Transportation Base Line at station 159+73.78 on Project # PIN 5751.05 (The Reconstruction of Abbott Road);

Thence westerly along the old centerline of Milestrip Road and along the south line of the Town of Orchard Park and along the north line of the Town of Hamburg at a bearing of N 88-45'-17" W, a distance of 7.12 feet to a point on the centerline of improvement for Abbott Road at New York State Department of Transportation Base Line station 159+76.14, and said point being on a curve to the northwest;

Thence northwesterly and along the southwest line of the Town of Orchard Park and along the northeast line of the Town of Hamburg along a curve to the left with a radius of 2864.79 feet, an arc distance of 195.42 feet to a point of tangency at New York State Department of Transportation Base Line station 161+71.56 centerline of improvement;

Thence northwesterly and along the southwest line of the Town of Orchard Park and along the northeast line of the Town of Hamburg along the tangent line, a distance of 1340.04 feet to a point of curve in said centerline of improvement at New York State Department of Transportation Base Line station 175+11.60;

Thence northwesterly and along the southwest line of the Town of Orchard Park and along the northeast line of the Town of Hamburg along a curve to the right with a radius of 2291.83 feet, an arc distance of 31.11 feet to said centerline of improvements intersection with the original centerline of Abbott Road (66.0 feet Wide) at New York State Department of Transportation Base Line point AR-5 at station 176+11.28.

The above called for realignment of the Orchard Park Town Line from old Milestrip Road to New York State Department of Transportation Base Line point AR-5 at station 176+11.28 is described as shown on Orchard Park map #05-004-01 in the Project # 05-004 New Newton Abbott Fire Hall.

Thence continuing northwesterly along the said southwesterly line of the Town of Orchard Park, the northeasterly line of the Town of Hamburg, along the southwesterly line of said Great Lot 31 and along the original centerline of Abbott Road to the intersection of the centerline of Lake Avenue; said intersection also being the northwest corner of said Great Lot 31 and the southwest corner of Great Lot 446 of the Buffalo Creek Indian Reservation in Township 10, Range 7 of the said Holland Land Company's Survey;

Thence continuing northwesterly along the said southwesterly line of the Town of Orchard Park, the northeasterly line of the Town of Hamburg and along the original centerline of Abbott Road and along the southwest lines of said Great Lot 446 and the southwest lines of Great Lot 447 and 448 of the Buffalo Creek Indian Reservation in Township 10, Range 7 of the said Holland Land Company's Survey to the northwest corner of said Great Lot 448, said corner also being at the intersection of the centerline of Berg Road (formerly Willet Road), said corner also being a northwest corner of the Town of Orchard Park and the northeast corner of the Town of Hamburg and on the south line of the City of Lackawanna;

Thence easterly along the centerline of Berg Road, along the north line of the Town of Orchard Park and the north line of said Great Lot 448, along the south line of the City of Lackawanna passing the southeast corner of the City of Lackawanna and the southwest corner of the Town of West Seneca and along the south line of the Town of West Seneca, to the northeast corner of said Great Lot 448, said corner also being the northwest corner of Great Lot 449, of the Buffalo Creek Indian Reservation in Township 10, Range 7 of the said Holland Land Company's Survey;

Thence continuing easterly along the said centerline of Berg Road, along the north line of the Town of Orchard Park, along the south line of the Town of West Seneca and along the north line of said Great Lot 449 and the north line of Great Lot 450 of the Buffalo Creek Indian Reservation in Township 10, Range 7 of the said Holland Land Company's Survey, entering the Southern Expressway, Section I (U. S. Route 219) Right-of-Way to the northeast corner of said

Great Lot 450, said corner also being the northwest corner of Great Lot 451 of the Buffalo Creek Indian Reservation in Township 10, Range 7 of the said Holland Land Company's Survey;

Thence continuing easterly along the north line of the Town of Orchard Park, along the south line of the Town of West Seneca and along the north line of said Great Lot 451, leaving said centerline of Berg Road and exiting the said Southern Expressway, Section I (U. S. Route 219) Right-of-Way to the northeast corner of said Great Lot 451, said corner also being the northwest corner of Great Lot 452 of the Buffalo Creek Indian Reservation in Township 10, Range 7 of the said Holland Land Company's Survey;

Thence continuing easterly along the north line of the Town of Orchard Park, along the south line of the Town of West Seneca and along the north line of said Great Lot 452 and continuing along the north line of Great Lot 453 of the Buffalo Creek Indian Reservation in Township 10, Range 7 of the said Holland Land Company's Survey, crossing the said Berg Road Right-of-Way to the northeast corner of said Great Lot 453, said corner also being the northwest corner of Great Lot 454 of the Buffalo Creek Indian Reservation in Township 10, Range 7 of the said Holland Land Company's Survey, said corner also being the northwest corner of sub-lot 245 of Honeycrest subdivision of map cover 2174;

Thence continuing easterly along the north line of the Town of Orchard Park, along the south line of the Town of West Seneca, along the north line of said Great Lot 454 to the northeast corner of Great Lot 454, said line also being along the north line of said sub-lot 245 and sub-lot 244 of said map cover 2174 and along the north line of said map cover 2174, said northeast corner also being the northwest corner of Great Lot 455 of the Buffalo Creek Indian Reservation in Township 10, Range 7 of the said Holland Land Company's Survey;

Thence continuing easterly along the north line of the Town of Orchard Park, along the south line of the Town of West Seneca, along the north line of said Great Lot 455, along the said north line of map cover 2174 to the northeast corner of Great Lot 455, said corner also being the northwest corner of Great Lot 456 of the Buffalo Creek Indian Reservation in Township 10, Range 7 of the said Holland Land Company's Survey, said corner also being the northwest corner of sub-lot 36 of Park End Estates subdivision of map cover 2181;

Thence continuing easterly along the north line of the Town of Orchard Park, along the south line of the Town of West Seneca, along the north line of said Great Lot 456, the north line of said map cover 2181, including the north line of said sub-lot 36 and sub-lots 19, 18, 17, 13, 12, 11, 6, 5 and 4 of said map cover 2181 to the northeast corner of Great Lot 456, said corner also being the northwest corner of Great Lot 461 of the Buffalo Creek Indian Reservation in Township 10, Range 7 of the said Holland Land Company's Survey, said corner also being at the intersection of the centerline of Orchard Park Road and the centerline of Michael Road;

Thence continuing easterly along the north line of the Town of Orchard Park, along the south line of the Town of West Seneca, along the north line of said Great Lot 461 and the north line of Great Lot 462 of the Buffalo Creek Indian Reservation in Township 10, Range 7 of the said Holland Land Company's Survey and along the said centerline of Michael Road to the northeast corner of said Great Lot 462, said northeast corner also being the northwest corner of Great Lot 463 of the Buffalo Creek Indian Reservation in Township 10, Range 7 of the said Holland Land

Company's Survey, said northeast corner being the southwest corner of Great Lot 408 of the Buffalo Creek Indian Reservation in Township 10, Range 7 of the said Holland Land Company's Survey, said northeast corner also being on the centerline of Westgate Road (formerly Town Line Road), said northeast corner being a southeast corner of the Town of West Seneca at a corner of the Town of Orchard Park;

Thence continuing northerly along the west line of the Town of Orchard Park, along the east line of the Town of West Seneca, along the west lines of said Great Lot 408 and west lines of Great Lots 409 and 410 of the Buffalo Creek Indian Reservation in Township 10, Range 7 of the said Holland Land Company's Survey and along the said centerline of Westgate Road to the northwest corner of said Great Lot 410, said northwest corner also being on the centerline of Reserve Road, said northwest corner also being a northwest corner of the Town of Orchard Park at a corner of the Town of West Seneca;

Thence continuing easterly along the north line of the Town of Orchard Park, along the south line of the Town of West Seneca, along the north line of said Great Lot 410 and north lines of Great Lots 405, 404, 401, 400 and 399 of the Buffalo Creek Indian Reservation in Township 10, Range 7 of the said Holland Land Company's Survey, and along the said centerline of Reserve Road, entering Southwestern Boulevard Right-of-Way (a portion formerly of Reserve Road) west of Angle Road within said Great Lot 405 and traveling within said Southwestern Boulevard Right-of-Way and former centerline of said Reserve Road and exiting Southwestern Boulevard Right-of-Way within said Great Lot 399, crossing Angle Road Right-of-Way at the northeast corner of said Great Lot 405 and the northwest corner of said Great Lot 404, to the northeast corner of said Great Lot 399 and the point and place of beginning.

Included in the above description for The Town of Orchard Park is a portion of the Village of Orchard Park being known as sub-lots 2, 3, 4, 5, 6, 7, 36, 37, 38, 39, 40 and 41 of map cover 892 and as shown on Erie County tax map Section & Block 173.05-6 Parcels 1, 2, 3, 4, 5, 6 and 7; this parcel being used for the Erie County Fair in 1855 and now retained by the Town as an historic area. The history on this area was researched by Sue Kulp (Town Historian)

The Village of Orchard Park was created on 18 October 1921; the original description being on file with the Village Clerk. During the following 101 years, multiple annexations have taken place; all of which are on record with the Village Clerk. The latest Erie County tax map for 2022 of the Village of Orchard Park is complete and current for said boundary ***All real property within the Village of Orchard Park is hereby excluded and excepted from the above description for the Town of Orchard Park Drainage and Stormwater Management District boundaries.***

CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certifies that:

1. He is the duly qualified and acting Clerk of the Town of Orchard Park, New York (the "Town") and the custodian of the records of the Town, including the minutes of the proceedings of the Town Board, and is duly authorized to execute this certificate.

2. Attached hereto is a true and correct copy of a Resolution and Order duly adopted at a meeting of the Town Board held on June 21, 2023 and entitled:

**RESOLUTION AND FINAL ORDER ESTABLISHING TOWN WIDE
DRAINAGE AND STORMWATER MANAGEMENT DISTRICT PURSUANT TO
ARTICLE 12-A OF THE TOWN LAW OF THE STATE OF NEW YORK**

3. Said meeting was duly convened and held and said Resolution and Order was duly adopted in all respects in accordance with law and regulations of the Town and the State of New York. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Town Board was present throughout said meeting, and a legally sufficient number of members of the Town Board voted in the public session and in proper manner for the adoption of the Resolution and Order. All other requirements and proceedings under law, said regulations, or otherwise, incident to said meeting and the adoption of the Resolution and Order, including any publication, if required by law, have been duly fulfilled, carried out, and otherwise observed.

4. The seal appearing below constitutes the official seal of the Town and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set his/her hand this ____ day of _____, 2023.

(SEAL)

Town Clerk



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.

June 21, 2023

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

**Re: *Brush Mountain Community Center Bocce Ball Courts Contract
Final Payment and Release of Retention***

Dear Board Members:

I am pleased to inform you that the three (3) new bocce ball courts at the Community Activity Center have been completed. On June 15, 2023, a final inspection was conducted and all of the work was completed in accordance with the contract documents and specifications.

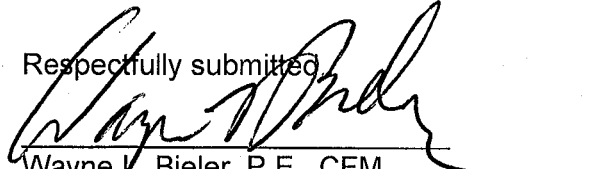
A two year maintenance bond, in the amount of \$73,850.00, has been submitted along with the Affidavit of release of Liens, Affidavit of Subcontractor Payment and necessary legal documents.

Attached is a copy Final Payment which includes release of retention in the amount of \$3,692.50.

I, therefore, recommend that you adopt the following resolutions:

- Approve the final payment and authorize release of retention for the Brush Mountain Community Center Bocce Ball Courts Contract to Matt Kolo Excavating, LLC. 7631 Zimmerman Road, Hamburg, New York 14075, in the amount of \$3,692.50.
- Authorize the Town Clerk to release Matt Kolo Excavating's performance security in the amount of \$70,950.00.

Respectfully submitted,


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

Cc: Remy Orfeo, Town Clerk Timothy Gallagher, Town Attorney Matt Kolo Excavating, LLC.
File #2021.014

W:\files\engineering\Town Projects\Brush Mt. Park Complex\C.A.C. Bocce Ball Courts\Construction\Payments\Letter to TB FINAL PAYMENT LETTER_Matt Kolo Bocce.doc

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



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.

April 19, 2023

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

**Re: Proposed Change Order #1
Brush Mountain Community Activity Center
C & S Companies -CDBG Generator Design**

Dear Board Members:

The Engineering Department is requesting your approval of a change order to the contract with C & S Companies, for the Community Activity Center Generator Installation Project in the amount of \$4,000.00. If approved, this would increase the total contract amount to \$22,788.00, representing an increase of 21.29%.

This change order involves the cost for additional work to complete the design of the generator with a natural gas supply as discussed, including complete gas service and plumbing sizing calculations and coordinate with Natural Fuel.

Funding was allocated under Capital Account # AB004 Brush Mountain Community Activity Center and the 2022 CDBG Grant awarded.

I, therefore, recommend that you approve Change Order #1 to our contract with C & S Companies, for the Brush Mountain Community Activity Center -Generator Design Project in the amount of \$4,000.00.

Respectfully submitted,

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

cc: Remy Orffeo, Town Clerk
Ed Leak, Parks and Grounds Superintendent
File

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

TC

WHEREAS, Part-Time employees are limited to working nineteen and one-half hours a week,
and

WHEREAS, Seasonal employees are not limited to the number of hours they can work weekly,
and

WHEREAS, the maintenance department has need of additional labor during the summer
recreation program, and

WHEREAS, Alex Melendez and Gary Fisher currently work part-time in the Maintenance
Department

NOW, therefore be it

RESOLVED that the employment status of Alex Melendez and Gary Fisher, for the period of June
19, 2023 to October 19, 2023, is changed from Part-Time to Seasonal.

TC

**Town of Orchard Park
Recreation, Parks, and Forestry Department**

4520 California Rd

Orchard Park NY 14127

leake@orchardparkny.org (716) 662-6450 ext.1

6/21/23

To: Town Board

From: Ed Leak

Director of Recreation

Item 1: Appt. to the staff of the Town of Orchard Park Recreation Department PT for 2023 effective 6/7/23

Roy Cooper	\$16.00 Lifeguard 1
Rory Ethevide	\$16.00 Program Coordinator 1
Grace Leigh	\$16.00 Program Coordinator 1
Paden Homer	\$16.50 Program Coordinator 2
Miranda Mendofik	\$16.00 Program Coordinator 1
Ryan Scanlon	\$16.00 Program Coordinator 1
Trisha Young	\$16.00 Program Coordinator 1

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

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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.

June 20, 2023

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

**Re: 2023 Summer Help/Internship
Engineering Department**

Dear Board Members:

Funds have been allocated in the 2023 budget for seasonal help in the Engineering Department. With the current work load of the Engineering Department and the vacant position in the Engineering Department, I am recommending Ryan DeLuca be appointed as summer help.

Ryan is completing his third year at Orchard Park High School and WD Ormsby Education Center in the CADD Program and is scheduled to graduate in the spring of 2024. His courses include AutoCAD 2023, Solid Works 2023, Autodesk 3ds Max Design 2023, CorelDraw 2019, Microsoft Excel.

I, therefore, recommend that you approve Ryan DeLuca, 100 Norwood Lane, Orchard Park, New York 14127 to a seasonal position in the Engineering Department for a four days a week, four hours a day for 2023 Summer Help/Internship, nine-week period beginning July 17, 2023 at a wage rate of \$15.00 per hour.

Respectfully submitted,

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

cc: Remy Orffeo, Town Clerk
Lisa McClean, Payroll
Ryan DeLuca
File



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.

June 20, 2023

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

**Re: 2023 Summer Help/Internship
Engineering Department**

Dear Board Members:

Funds have been allocated in the 2023 budget for seasonal help in the Engineering Department. With the current work load of the Engineering Department and the vacant position in the Engineering Department, I am recommending Peter Lukasiewicz be appointed as summer help.

Peter is completing his second year at SUNY Buffalo State University for a Bachelor of Sciences in Urban Planning, Minor in Geographic Information System. Peter can assist with updating the Town Wide Trail Master Plan, GIS Town Wide Stormwater Management work and various proposed zoning changes as discussed with the Planning Coordinator. He has a glowing letter of recommendation from his Lecturer, James R. Bensley, AICP.

I, therefore, recommend that you approve Peter Lukasiewicz, 60 Independence Drive, Orchard Park, New York 14127 to a seasonal position in the Engineering Department 2023 Summer Help/Internship for a nine-week period beginning June 26, 2023 at a wage rate of \$16.00 per hour.

Respectfully submitted,

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

cc: Remy Orfeo, Town Clerk/Planning Coordinator
Peter Lukasiewicz

Lisa McClean, Payroll
File

TC

RESOLVED, that the Town Board does hereby change the status of Kristin Manne from Senior Police Clerk, (Provisional) to the position of Administrative Aide - Police (Permanent), effective June 22, 2023, pay rate \$27.89 as recommended by the Chief of Police.

TC

RESOLVED, that the Town board does hereby approve the appointment of Melissa Flack to the position of Public Safety Dispatcher (Provisional) in the Orchard Park Police Department, Range 7, Step "First Year", effective June 26, 2023, pending the approval of the Erie County Office of Civil Service.

TC

WHEREAS, the Community Activity Center follows the strictest safety protocols relative to door locking.

WHEREAS, the Orchard Park Community Activity Council is ready, willing, and able to donate the sum of \$2,736 to the Town of Orchard Park to cover the cost of updated lever sets which ensure interior doors remain in the "always locked" position.

WHEREAS, the Town of Orchard Park is ready, willing, and able to accept the donation from the Orchard Park Community Activity Council in the above amount.

NOW, THEREFORE, BE IT RESOLVED that The Town of Orchard Park accepts the Orchard Park Community Activity Council donation of \$2,736 for the purchase of new lever sets for the Activity Center.

WHEREAS, the Community Activity Center follows the strictest safety protocols relative to door locking.

WHEREAS, the Orchard Park Community Activity Council is ready, willing, and able to donate the sum of \$3,384.38 to the Town of Orchard Park to cover the cost of installing one additional key fob access module

WHEREAS, the Town of Orchard Park is ready, willing, and able to accept the donation from the Orchard Park Community Activity Council in the above amount.

NOW, THEREFORE, BE IT RESOLVED that The Town of Orchard Park accepts the Orchard Park Community Activity Council donation of \$3,384.38 for the additional key fob access module at the Activity Center.

TC

WHEREAS, the property located at 5800 Armor Duells Road, Orchard Park NY 14127, owned by Kevin and Laura Eye is on both the reconnaissance and intensive level historic surveys, contracted by the Town's Historic Preservation Board. The property is local, state, and national registry eligible. To date, the owners of this property have not elected to have such designations placed on their property; and

WHEREAS, this property is listed on the historic surveys, the Historic Preservation Board is tasked with review of any proposed renovations or additions that may change the historic appearance of such property as viewed from the street; and

WHEREAS, the Chairman of the Town of Orchard Park Historic Preservation Board has reviewed the plan proposed by Jay Braymiller, R. A., met with the owners of the property and made a site visit on June 15, 2023 and reviewed the proposed changes; and

WHEREAS, 5800 Armor Duells Road is not designated as a local historic landmark removes most oversight by the Historic Preservation Board, it also removes any tax incentives such designation may provide. The owners of this property are aware of this information; and

WHEREAS, the review by the Historic Preservation Board has found that the proposed changes will not alter the historic character of the original structure as seen from Armor Duells Road. The new addition will mimic the historic elements of the existing structure and, when possible, reuse some of the original structural elements (windows).

NOW, THEREFORE be it

RESOLVED, that the Town Board of Orchard Park does hereby grant all necessary permits for renovation and additions to 5800 Armor Duells Road be granted to Kevin and Laura Eye as recommended by the Chairperson of the Historic Preservation Board.

TC

Resolution for Budget Amendment –
Recreation Department

WHEREAS, the Town anticipates additional costs for recreation personnel, and

WHEREAS, the Town anticipates additional revenues to offset the costs that were not included in the 2023 budget.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorize the amending of the 2023 adopted budget to authorize additional appropriations and estimated revenues in the amount of \$35,000:

Increase Appropriations:

A07020 50104	Recreation Salaries – Nonunion Hourly PT	\$35,000
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Increase Estimated Revenues:

A00000 42001	General Fund Recreational Charges	\$35,000
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TC

PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Orchard Park, Erie County, New York at the Municipal Building, S4295 South Buffalo Street Orchard Park, New York on the 18th day of July 19, 2023 at 7:00 PM (local time) in the matter regarding V/L, northeast corner of Milestrip & Abbott Roads, Zoned B-2 requesting a Special Exception Use Permit to construct a "Royal Car Wash LLC" (SBL 152.17-1-8 & SBL 152.17-1-9).

A list of conditions and stipulations is on file in the Town Clerk's Office for onsite inspection during regular business hours.

At such time all interested persons will be given as opportunity to be heard.

Dated: June 21, 2023
Remy C. Orffeo
Town Clerk

TimBar Properties, LLC
2881 Southwestern Blvd.
Orchard Park, NY
14127

TC

June 5, 2023

Attn: Orchard Park Planning Board,

My name is Tim Wood of 2881 Southwestern Blvd., and I would like to have my entire lot re-zoned to B3. Currently only part of this address is in the B3 zone. My reasoning is that the property is in two different zones, and I would like to erect an additional free-standing building in the now R3 portion of my business property. This new building is a cold storage garage. I will not have any plumbing. The rough dimensions would be about 30 foot wide, 50 foot long and stand about 20 foot high at the peak.

I wish to erect this pole barn style building using the Amish builders. The building will be located towards the back of the property on an already cleared area of land. It will be well inside the properties setback requirements as shown on the site survey. The structure will be made using 6X6 posts buried 4 foot down and 8 feet on center. The building will be a wood frame with a steel panel exterior.

My planned use for this structure is for storage of items like snowplow equipment, tools, etc.

Thank you for your time to listen to my request to re-zone my property.