

AUTHORIZING SUBMISSION OF AN APPLICATION TO THE NEW YORK STATE DEPARTMENT OF STATE SMART GROWTH COMMUNITY PLANNING AND ZONING GRANT PROGRAM

WHEREAS, the New York State Department of State has announced the availability of funding through the Smart Growth Community Planning and Zoning Grant Program to assist municipalities in updating local planning and zoning documents to advance Smart Growth principles; and

WHEREAS, the Town of Orchard Park has recently adopted a Comprehensive Plan and completed the Highmark Stadium Area Study, both of which identify the need for a comprehensive update of the Town's Zoning Code to better support sustainable development, economic growth, housing opportunities, environmental stewardship, and implementation of the Town's long-term planning goals; and

WHEREAS, the proposed project consists of a comprehensive update to the Town's Zoning Code, with an estimated total project cost of **\$200,000**, for which the Town intends to request **\$150,000** in grant funding from the New York State Department of State; and

WHEREAS, the Town proposes to provide a local contribution of **25 percent** of the total project cost, primarily through in-kind services provided by the Building Department, Planning Department, and Engineering Department, including staff time dedicated to project coordination, technical review, public engagement, and implementation; and

WHEREAS, should the value of in-kind services not fully satisfy the proposed local contribution, the Town Board commits to providing the balance of the required local share from available **Planning Budget Reserve Funds**; and

WHEREAS, the Town desires to retain **J. O'Connell & Associates** to assist with grant application preparation and, if awarded, grant administration and compliance.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Orchard Park hereby authorizes the submission of an application to the New York State Department of State Smart Growth Community Planning and Zoning Grant Program for funding in the amount of **\$150,000** for the comprehensive update of the Town's Zoning Code; and be it further

RESOLVED, that the Town Board hereby commits to providing the required local share through eligible in-kind services, with any remaining local contribution to be provided from Planning Budget Reserve Funds; and be it further

RESOLVED, that the Town Supervisor is hereby authorized and directed to execute all documents, certifications, contracts, and agreements necessary to submit the application and, if awarded, to accept and administer the grant on behalf of the Town; and be it further

RESOLVED, that **J. O'Connell & Associates** is authorized to prepare and submit the grant application and to provide grant administration services, including reporting and reimbursement requests, should funding be awarded.

WHEREAS, the Orchard Park Senior Activity Council has offered to fund the repairs to the felt on the billiards tables in the billiards room at the Senior Center; and

WHEREAS, the Senior Center Director and Community Activity Center Coordinator recommend accepting the donation of \$2,550.00 for this work to be completed;

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby accept the \$2,550.00 donation from the Senior Activity Council of Orchard Park for the billiards table repairs in the Senior Center billiards room.

WHEREAS, the Chief of Police has recommended the promotion of Alex P. Vranic from the position of Police Officer to the position of Lieutenant; and

WHEREAS, the appointment is to be made from the certified eligible list established by the Erie County Department of Personnel in accordance with the New York State Civil Service Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board does hereby promote Police Officer Alex P. Vranic to the Position of Patrol Lieutenant, (probationary) effective July 18, 2026, with a rate of pay as defined in the Collective Bargaining Agreement as recommended by the Chief of Police.

WHEREAS, the Orchard Park Highway Department has an open Deputy Highway Superintendent position; and

WHEREAS, there are funds in the 2026 budget for a Deputy Highway Superintendent position; and

WHEREAS, Andrew Slotman, Orchard Park Highway Superintendent, has determined that Trevor Crawford is ready and able to serve as a Deputy Highway Superintendent in the Orchard Park Highway Department; and

WHEREAS, there will be an interim period of 120 calendar day after the date of the promotion.

NOW, THEREFORE be it

RESOLVED, that based on the recommendation of Andrew Slotman, Orchard Park Highway Superintendent, Trevor Crawford is promoted to Deputy Highway Superintendent in the Orchard Park Highway Department at a rate of \$41.28 per hour, effective July 20, 2026.

WHEREAS, the Orchard Park Special Districts Department has an open Assistant Crew Chief position;
and

WHEREAS, there are funds in the 2026 budget for an Assistant Crew Chief position; and

WHEREAS, Andrew Slotman, Orchard Park Highway Superintendent, has determined that Mike Gries is ready and able to serve as an Assistant Crew Chief in the Orchard Park Special Districts Department.

NOW, THEREFORE be it

RESOLVED, that based on the recommendation of Andrew Slotman, Orchard Park Highway Superintendent, Mike Gries is promoted to an Assistant Crew Chief in the Orchard Park Special Districts Department at Job Level 4 Step 2 of the Blue Collar Contract at a rate of \$30.32 per hour effective July 20, 2026.

WHEREAS, the Orchard Park Highway Department has an open laborer position; and

WHEREAS, there are funds in the 2026 budget to fund a laborer position; and

WHEREAS, Andrew Slotman, Orchard Park Highway Superintendent, has determined that Andrew Enterline is ready and able to serve as a laborer in the Orchard Park Highway Department.

NOW, THEREFORE be it

RESOLVED, that based on the recommendation of Andrew Slotman, Orchard Park Highway Superintendent, Andrew Enterline is appointed as a laborer in the Orchard Park Highway Department as a Blue Collar Laborer at Step 1 of the Blue Collar Contract at a rate of \$27.06 per hour effective July 20, 2026.

WHEREAS, the Comprehensive Plan Committee has worked with our consultant LaBella to produce a draft Comprehensive Plan and a copy is available for review on our website and in the Town Clerk's Office,

WHEREAS, the Town Board desires to hold a public hearing to afford interested persons an opportunity to be heard concerning said proposed Comprehensive Plan.

NOW, THEREFORE be it

RESOLVED, that a public hearing shall be held by the Town Board of the Town of Orchard Park on the 19th day of August, 2026, at 7:00 P .M., at, 4295 S. Buffalo Street, Orchard Park, New York, on the question of the adoption of the proposed Comprehensive Plan; and be it further

RESOLVED, that the Town Clerk shall post copies of this resolution, on the Town website and on the bulletin board maintained by the Town Clerk pursuant to Town Law, for a period of not less than five (5) days prior to said public hearing; and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to publish a notice of said public hearing in the official newspaper of the Town not less than five (5) days prior to the date thereof; and be it further

RESOLVED, that the Town Board intends to seek Lead Agency Status pursuant to this Type 1 SEQR action and LaBella is directed to notify involved agencies of this intent.

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board of the Town of Orchard Park will hold a public hearing on August 19, 2026, at 7 P.M., at 4295 S. Buffalo Street, Orchard Park, New York, concerning proposed Comprehensive Plan. Copies of the proposed Comprehensive Plan will be available for viewing at the Town Clerk's Office and on the Town's website at OrchardParkNY.Gov. All interested persons will be given an opportunity to be heard.

William C. Even
Town Clerk 7/10/2026

**Re: Webster Road 3 Sublot Subdivision; Rear Yard Drainage
PIP #2026-02**

WHEREAS, the Engineering Department has received, from Andrew Romanowski, Maple Grove Holdings, LLC, 4747 Camp Road, Hamburg, New York 14075, an application for a Public Improvement Permit to construct rear yard drainage for the Webster Road 3 Sublot Subdivision; and

WHEREAS, the project consists of the installation of 392 L.F. of public rear yard drainage to serve 3 residential sublots' location; and

WHEREAS, the Engineering Department has reviewed the plans for the proposed project and have found them to be in compliance with current Town Specifications and Standards. We are in receipt of all necessary fees, bond, and insurances.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby approve of the amended Public Improvement Permit #2026-02 for the rear yard drainage for the Webster Road 3 Sublot Subdivision as recommended by the Town Engineer.



TOWN OF ORCHARD PARK

ENGINEERING DEPARTMENT

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

Phone: (716) 662-6425
Email: bielerw@orchardparkny.gov

TOWN ENGINEER
WAYNE L. BIELER, P.E., CFM

July 10, 2026

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

**Re: Webster Road 3 Sublot Subdivision; Rear Yard Drainage
PIP #2026-02**

Dear Board Members:

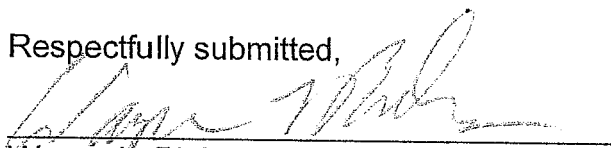
We have received, from Andrew Romanowski, Maple Grove Holdings, LLC, 4747 Camp Road, Hamburg, New York 14075, an application for a Public Improvement Permit to construct rear yard drainage for the Webster Road 3 Sublot Subdivision.

The project consists of the installation of 392 L.F. of public rear yard drainage to serve 3 residential sublots' location as shown on the attached location map.

I have reviewed the plans for the proposed project and have found them to be in compliance with current Town Specifications and Standards. We are in receipt of all necessary fees, bond, and insurances.

I, therefore, recommend approval of the amended Public Improvement Permit #2026-02 for the rear yard drainage for the Webster Road 3 Sublot Subdivision.

Respectfully submitted,


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

Attachments: Application for PIP #2026-02

Cc: William Even, Town Clerk
Timothy Gallagher, Town Attorney
Nancy Kenlon, Town Assessor
Andy Slotman, Highway Superintendent
File #25.014

S:\Subdivisions\Webster Road 3 Sublot Brandon Block Subdivision\PIP Construction\PIP APPROVAL - Webster 3Lot Rear Yard Drainage.doc

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

PAID

JUL 10 2026

TOWN CLERK

PERMIT No. 2026-02

Application for Permit to Construct a Public Improvement

TOWN OF ORCHARD PARK, NEW YORK



TO THE HONORABLE TOWN BOARD
TOWN OF ORCHARD PARK, NEW YORK

Application is hereby made for permission to construct:

State project name (name of subdivision, street, or other identifying location). Describe generally all contemplated work. List quantities, linear footage, etc. for all items checked.

Project Name Webster Road 3-Lot Block Subdivision

Map Cover _____

No. of Sublots 3

☐ Paving and Curbing	_____	☐ Street Lighting	_____
☒ Drainage	<u>392 Feet Rear Yard Drainage</u>	☐ Landscaping	_____
☐ Sanitary Sewer	_____	☐ Other	_____
☐ Waterline (LF & # Hyd's.)	_____	☐ Other	_____

The estimated cost of the improvement is

\$30,000.00

Estimated cost of the improvement shall be determined by the Town Engineer. Owner may submit copy of actual contract or other acceptable evidence for verification.

Contractor(s) _____

Address _____

Telephone _____

Insurance Certificate No. _____

Insurance Co. _____

The contractor shall file with the Town Attorney certificates of proof of insurance with minimum coverage of 100M/300M/100M liability and workmans compensation containing standard notice of cancellation clause.

PERFORMANCE SECURITY

\$ 3,000.00

(check appropriate box)

☐ Perf. Bond No. _____ Bonding Co. _____

☐ _____

☐ Cash Deposit _____ Bank _____ Cert. Check No. _____

Performance security shall be in the amount of 10% of the estimated cost of the work. It shall remain in effect until such time as a written release is granted by the Town.

Failure to comply with the provisions of this law or its amendments may result in forfeiture of the aforementioned security.

MAINTENANCE SECURITY

\$ 15,000.00

☐ Maintenance Bond No. _____ Bonding Co. _____

☐ Cash Deposit _____ Bank _____ Cert. Check No. _____

Maintenance security shall be in the amount of 50% of the estimated cost of the work. It shall be in effect for a period of two years following acceptance of the completed work by resolution of the Town of Orchard Park and shall be released only upon written authorization from the Town.

☐ Escrow	For: _____	Date Rcvd. _____	Date Released _____
	Amount: _____		
☐ Escrow	For: _____	Date Rcvd. _____	Date Released _____
	Amount: _____		
☐ Escrow	For: _____	Date Rcvd. _____	Date Released _____
	Amount: _____		
☐ Escrow	For: _____	Date Rcvd. _____	Date Released _____
	Amount: _____		

Application for Permit to Construct a Public Improvement TOWN OF ORCHARD PARK, NEW YORK

PIP # 2026-02

In Consideration of the granting of this permit the applicant agrees:

That work under this permit shall be started within 60 days from the date of approval by the Town Board and shall be completed within 1 year from the date of approval thereof. Upon satisfactory completion, testing and acceptance of the work by the Town Board, all improvements described under this application will be dedicated to the Town of Orchard Park. The applicant is familiar with and will comply with the laws of the State of New York, the Ordinances of the Town of Orchard Park and all the rules and regulations as set forth in the Town of Orchard Park Local Law #1-1982 and its amendments governing the construction of public improvements and that he shall notify the Town Engineer in advance of commencing any work under this permit.

To hold harmless the Town of Orchard Park, its districts, subdivisions, or its Agents or Employees from any liabilities of any kind arising out of the performance of the proposed construction, activities of the Town Employees or Public in connection with the proposed construction or construction site, and that all persons connected with the actual work under this permit shall be duly covered by liability and workman's compensation insurance.

Signature of Owner _____

Address Maple Grove Holdings LLC; 4747 Camp Road; Hamburg, New York 14075 Telephone 716-646-6555

Subscribed & Sworn to before me this 7 day of July, 2026

NOTARY PUBLIC-ERIE COUNTY-NEW YORK

SEAL

DANIEL JACKSON
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 09/15/2026

I have examined the foregoing Plans and Specifications submitted by the applicant and hereby certify that they are in compliance with the specifications and requirements of the Town of Orchard Park

TOWN ENGINEER DATE

Pursuant to Town Board Resolution No. _____

Dated _____, 20____

and any stipulations therein attached, approval is hereby granted for a permit to be issued for the construction of public improvements in the Town of Orchard Park

TOWN SUPERVISOR DATE

I have examined the insurance certificate and the securities attached hereto and certify that they are valid in form and meet the requirements as set forth in Local Law #1-1982

TOWN ATTORNEY DATE

I have examined the foregoing application and certify that the required fees have been paid and by my signature I do hereby issue this permit to construct public improvements in the Town of Orchard Park

TOWN CLERK DATE

SWPPP INSPECTION FEE	\$0.00
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PERMIT FEE	\$ 50.00
INSPECTION	
8% on first \$100,000.00	\$2,400.00
7% on next \$100,000.00	\$0.00
6% on next \$100,000.00	\$0.00
5% on next \$100,000.00	\$0.00
4% on next \$100,000.00	\$0.00
3% on all over \$500,000.00	\$0.00
TOTAL FEES	\$ 2,450.00

- copies to: 1. Town Clerk
2. Town Engineer
3. Town Attorney
4. Applicant

Re: *Application for Floodplain Development (#2026-02)*
7425 Jewett Holmwood Road

WHEREAS, the Engineering Department has received from Eagle Ridge Recreation Association an application for Floodplain Development to replace two 36-inch culverts at 7425 Jewett Holmwood Road, Orchard Park, New York 14127; and

WHEREAS, the Engineering Department has found them to be acceptable. All necessary fees have been paid.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby approve the application for the Floodplain Development Permit #2026-02 to replace two 36-inch culverts at 7425 Jewett Holmwood Road, Orchard Park, New York 14127 as recommended by the Town Engineer.



TOWN OF ORCHARD PARK

ENGINEERING DEPARTMENT

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

Phone: (716) 662-6425
Email: bielerw@orchardparkny.gov

TOWN ENGINEER
WAYNE L. BIELER, P.E., CFM

July 10, 2026

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

**Re: Application for Floodplain Development (#2026-02)
7425 Jewett Holmwood Road**

Dear Board Members:

We have received from Eagle Ridge Recreation Association an application for Floodplain Development to replace two 36-inch culverts at 7425 Jewett Holmwood Road, Orchard Park, New York 14127.

I have found them to be acceptable. All necessary fees have been paid.

I, therefore, recommend that you approve the application for the Floodplain Development Permit #2026-02 to replace two 36-inch culverts at 7425 Jewett Holmwood Road, Orchard Park, New York 14127.

Respectfully submitted,

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

Attachments: Floodplain Development Application

Cc: William Even, Town Clerk
Timothy Gallagher, Town Attorney
Thomas Minor, Building Inspector

File #2026.022



TOWN OF ORCHARD PARK

JUL 08 2026

FLOODPLAIN DEVELOPMENT APPLICATION

OFFICIAL USE ONLY	
Permit No:	2026-02
Date:	
Permit Fee Paid:	
Issued By:	

TOWN OF ORCHARD PARK
ENGINEERING DEPARTMENT

- Project (Description, Location and Acreage) 7425 Jewett Holmwood Rd.
Driveway repair to include replacement of two 36" culverts that
connect the storm sewer on Timberlake Rd. to the creek.
2. Owner (Name and Address) Eagle Ridge Recreation Association
7425 Jewett Holmwood Rd, Orchard Park, NY 14127 Phone No: 716-662-2365
3. Contractor (Name and Address) Tru Dirt, LLC
5699 Birchwood Dr Lake View, NY 14085 Phone No: 716-798-9511
4. Permit Fees: \$500
 \$150 plus (\$75 per acre or fractional part thereof)
 \$50 plus (2% of the Construction Cost)
 Engineering Department will determine total fees upon submission of design package.
5. Site Improvement Bond:
 Surety Corporation Name: _____
 Bond Amount: \$2,000
 (\$2,000 per acre or fractional part thereof)

MARINO MANOCCHEO
716-812-3001

In consideration of the grant of this permit, the undersigned agrees as follows:

1. Refer to and fill out the attached Floodplain Development Permit Application forms as a part of this permit.
2. Work under this permit shall be started within sixty (60) days from the date of approval thereof. Work under this permit shall be completed within one (1) year from the date of the approval thereof. Any request for extension shall be addressed in writing to the Town Board of Orchard Park.
3. The undersigned guarantees that all persons connected with the actual work under this permit are duly covered by Liability and Workman's Compensation Insurance and the State, County and Town shall be held harmless on account thereof of the undersigned.
4. The undersigned hereby agrees to hold harmless the Town of Orchard Park, its Districts, Subdivisions, or its agents or employees from all liability of any kind arising out of the performance of the proposed construction, activities of Town employees or the public in connection with the proposed construction or construction site.
5. Working hours: 7:00AM to 6:00PM **NO SUNDAY OPERATION**

I have examined the foregoing application and agree to the terms set forth in this application and do hereby certify that the required permit fee as established by the Town Board of Orchard Park, New York has been paid.

Signature of Applicant: _____

Date: 7/6/2026

**PERMIT APPLICATION
FLOODPLAIN DEVELOPMENT APPLICATION**

Project: _____

DEPARTMENT HEAD APPROVALS

Building Inspector _____ Date: _____

Highway Superintendent _____ Date: _____

Town Engineer _____ Date: _____

TOWN BOARD APPROVAL

In accordance with the above approvals, and in compliance with the regulating ordinance, the
Town Clerk is hereby authorized to issue said permit.

Supervisor _____

Council _____

Council _____

Council _____

Council _____

Date: _____

APPLICATION FOR BOND RELEASE
FLOODPLAIN DEVELOPMENT APPLICATION

Project: _____

The undersigned specify that all work under the subject permit has been completed in accordance with the regulating ordinance.

Signature of Applicant: _____ Date: _____

Building Inspector: _____ Date: _____

Highway Superintendent: _____ Date: _____

Town Engineer: _____ Date: _____

**Re: *Advertisement for
 Bid Community
 Activity Center
 Picinic Shelter***

WHEREAS, the Orchard Park Engineering Department is finalizing plans, specifications, and bid documents for the Community Activity Center Picinic Shelter Project. Plans and specifications for this project will be available for review in the Engineering Department; and

WHEREAS, this project will include the installation of a new 16'x20' Wood Picnic Shelter and Concrete Pad. There are also proposed alternates to include a 5.0' wide concrete sidewalk and the installation of electricity and lighting for this shelter; and

WHEREAS, funding has been allocated through the SAM Grant. The Town was awarded \$150,000.00 through this grant. There has already been \$60,380.00 used for a new Senior Center Transportation Van. More funding may be needed for this project through Capital Account AB004 "Brush Mountain Community Activity Center Building" which has a balance of \$1,388,078.00; and

WHEREAS, plans and bid documents will be available for pick up in the Town Clerks office on July 15, 2026.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize advertisement for sealed bids in the Orchard Park Bee for the Community Activity Center Picinic Shelter Project, to be opened on August 11, 2026 at 2:00 pm at the Orchard Park Municipal Center, Basement Meeting Room.



TOWN OF ORCHARD PARK

ENGINEERING DEPARTMENT

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

Phone: (716) 662-6425
Email: bielerw@orchardparkny.gov

TOWN ENGINEER
WAYNE L. BIELER, P.E., CFM

July 10, 2026

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

**Re: Advertisement for Bid
Community Activity Center
Picnic Shelter**

Dear Board Members:

The Orchard Park Engineering Department is finalizing plans, specifications, and bid documents for the Community Activity Center Picnic Shelter Project. Plans and specifications for this project will be available for review in the Engineering Department.

This project will include the installation of a new 16'x20' Wood Picnic Shelter and Concrete Pad. There are also proposed alternates to include a 5.0' wide concrete sidewalk and the installation of electricity and lighting for this shelter.

Funding has been allocated through the SAM Grant. The Town was awarded \$150,000.00 through this grant. There has already been \$60,380.00 used for a new Senior Center Transportation Van. More funding may be needed for this project through Capital Account AB004 "Brush Mountain Community Activity Center Building" which has a balance of \$1,388,078.00.

Plans and bid documents will be available for pick up in the Town Clerks office on July 15, 2026.

I, therefore, recommend that you authorize advertisement for sealed bids in the Orchard Park Bee for the Community Activity Center Picnic Shelter Project, to be opened on August 11, 2026 at 2:00 pm at the Orchard Park Municipal Center, Basement Meeting Room.

Respectfully submitted,

Wayne L. Bieler, P.E., C.F.M.
Town Engineer

Cc: William C. Even, Town Clerk
Timothy Gallagher, Town Attorney
Maria Galley
Nichole Ruf, Accounting

File # 2026.021

NOTICE TO BIDDERS

TOWN OF ORCHARD PARK

Community Activity Center Picnic Shelter

Sealed bids are requested for the Community Activity Center Picnic Shelter within the Town of Orchard Park, New York.

Bids shall be received at the office of the Town Clerk in the Municipal Center, 4295 South Buffalo Street, Orchard Park, New York until **August 11, 2026 at 2:00 PM** (Local Time) at which time they will be opened publicly and read aloud in the Basement Meeting Room. Each bid must be prepared and submitted in accordance with the Bidding and Contract Documents. Each bid must also be accompanied by a Bid Security in the form of a Certified Check of the Bidder, Bid Bond, or Bank Check in the amount of **10% the Bid Price**.

Plans, specifications, bid documents and instructions for submitting bids will be available at the office of the Town Clerk beginning on **July 15, 2026** in the Municipal Center, 4295 South Buffalo Street, Orchard Park, New York Monday through Friday during business hours from **8:30 A.M. to 4:15 P.M.** (Local Time), with payment of **\$75** for each set.

Any non-successful Bidder, upon returning such plans, specifications, and bid documents in good condition subsequent to the opening of bids will be refunded the sum of **\$50**, and any non-bidder upon so returning such plans, specifications and bid documents will be refunded the sum of **\$35**. No refunds will be made for plans in condition not fit for further use or returned later than 10 days after the bid opening date.

Copies of the proposed contract documents, plans and specifications may be examined at the office of the Engineer, 4295 South Buffalo Street, Orchard Park, New York.

The Town of Orchard Park has been and will continue to be an equal opportunity organization. All qualified Minority and Women-Owned Business Enterprises (MWBE) suppliers, contractors and/or businesses will be afforded equal opportunity without discrimination because of race, color, religion, national origin, sex, age, disability, sexual preference or Vietnam Era Veteran status.

William C. Even
Town Clerk
Town of Orchard Park

Dated: July 10, 2026

**Re: *Advertisement for Bid
Community Activity Center
41 Space Millings Parking Expansion and Brush Mountain Test Pits***

WHEREAS, the Orchard Park Engineering Department is requesting an advertisement for the informal bid process for the spreading of existing millings piles to create new parking for the Community Activity Center and test digs into Brush Mountain for the proposed Phase II Main Parking Lot Expansion Project for the Community Activity Center; and

WHEREAS, the Senior Center is requesting to make every effort for this work to be done prior to August 8th, 2026, to allow for enough parking for a planned event; and

WHEREAS, funding has been allocated through Capital Account AB005 "Brush Mountain Community Activity Center Site" which has a balance of \$148,620.00.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the Engineering Department to continue with the informal bid process for the Community Activity Center 41 Space Millings Parking Expansion and Brush Mountain Test Pits. Bids will be accepted by the Orchard Park Engineering Dept. and will be brought to the Town Board for final approval as recommended by the Town Engineer.



TOWN OF ORCHARD PARK

ENGINEERING DEPARTMENT

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

Phone: (716) 662-6425
Email: bielerw@orchardparkny.gov

TOWN ENGINEER
WAYNE L. BIELER, P.E., CFM

July 10, 2026

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

**Re: Advertisement for Bid
Community Activity Center
41 Space Millings Parking Expansion and Brush Mountain Test Pits**

Dear Board Members:

The Orchard Park Engineering Department is requesting an advertisement for the informal bid process for the spreading of existing millings piles to create new parking for the Community Activity Center and test digs into Brush Mountain for the proposed Phase II Main Parking Lot Expansion Project for the Community Activity Center.

The Senior Center is requesting to make every effort for this work to be done prior to August 8th, 2026, to allow for enough parking for a planned event.

Funding has been allocated through Capital Account AB005 "Brush Mountain Community Activity Center Site" which has a balance of \$148,620.00.

I, therefore, recommend that you authorize the Engineering Department to continue with the informal bid process for the Community Activity Center 41 Space Millings Parking Expansion and Brush Mountain Test Pits. Bids will be accepted by the Orchard Park Engineering Dept. and will be brought to the Town Board for final approval.

Respectfully submitted,

Wayne L. Bieler, P.E., C.F.M.
Town Engineer

Cc: William C. Even, Town Clerk,
Timothy Gallagher, Town Attorney,
Maria Galley,
Nichole Ruf, Accounting,
File # 2026.022

RESOLUTION TO APPOINT SEASONAL KITCHEN HELP FOR THE SENIOR CENTER

WHEREAS, the Town of Orchard Park requires temporary kitchen assistance to maintain efficient operations, ensure coverage during permanent staffing transitions, and support peak seasonal demands at the Senior Center; and

WHEREAS, management has identified and vetted a qualified candidate who possesses the necessary experience and skills to fulfill this temporary role; and

WHEREAS, Gianna Hawk's volunteer background and demonstrated team-player attitude will provide critical operational support during this phase.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the appointment of Gianna Hawk as a seasonal helper at the Senior Center, at a rate of \$17.00 per hour with a schedule of 6 hours per week, effective Wednesday, July 15, 2026, as recommended by the Senior Center Director.

LOCAL LAW 01-2026

TOWN BOARD RESOLUTION VACANT BUILDINGS

Resolution Adopting Amendments to Chapter 144 of the Town Code Regarding Vacant Buildings

WHEREAS, the Town Board of the Town of Orchard Park has determined that vacant and abandoned buildings can create conditions that negatively affect public health, safety, welfare, neighborhood stability, property values, and economic development; and

WHEREAS, the Town Board finds that the registration, monitoring, maintenance, and regulation of vacant and abandoned buildings are necessary to protect residents and ensure that such properties do not become a burden upon the community; and

WHEREAS, the Town Board has reviewed proposed amendments to Chapter 144 of the Town Code, entitled "Zoning," including the addition of definitions relating to vacant buildings, the establishment of a vacant building registration program, maintenance and security standards, enforcement procedures, and related administrative provisions; and

WHEREAS, the proposed amendments include:

- Adding definitions for Building, Owner, Vacant Building, Abandoned Building, Responsible Party, and Secured to §144-5;
- Renaming Article VIII to "Nonconforming Uses and Vacant Buildings";
- Amending §144-57 regarding abandonment of nonconforming uses;
- Establishing a Vacant Building Registration Program requiring registration, maintenance, security, inspections, fees, and enforcement procedures for vacant and abandoned buildings; and
- Authorizing the Town Board to establish fees and administrative regulations necessary to implement and administer the program; and

WHEREAS, the Town Board has determined that adoption of these amendments is in the best interests of the Town and its residents; and

WHEREAS, all required reviews, notices, referrals, and public hearings required by law have been completed or shall be completed prior to the effective date of the amendments.

WHEREAS, this is an Unlisted SEQR action, and a Negative Declaration is hereby made.

NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Orchard Park as follows:

- Adoption of Amendments. The Town Board hereby adopts the amendments to Chapter 144 of the Town Code as presented and attached hereto, including the creation of vacant building registration and maintenance requirements and all related provisions.
- Codification. The Town Attorney, Town Clerk, and Code Enforcement Department are authorized and directed to take all actions necessary to codify these amendments into the Town Code.
- Implementation. The Code Enforcement Officer is authorized to develop forms, procedures, and administrative guidance necessary for implementation of the Vacant Building Registry and enforcement of the provisions adopted herein.

LOCAL LAW 01-2026

- Fee Schedule. The Town Board may establish and amend registration fees, renewal fees, and penalties by separate resolution as authorized by the adopted code provisions.
- Severability. If any section, subsection, sentence, clause, phrase, or provision of these amendments is adjudged invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the validity of the remaining portions thereof.
- Effective Date. This resolution and the amendments adopted hereby shall take effect immediately upon filing and publication as required by law.

Vacant Buildings Ordinance

The following terms shall be added to § 144- 5 Terms Defined

Building

Any structure, regardless of type of construction, intended for shelter, housing, storage, or use, whether residential, commercial, industrial, or mixed use.

Owner

Any person, entity, partnership, corporation, or other legal entity having a legal or equitable interest in a building, including but not limited to the owner of record, a mortgagee, lienholder, trustee, or any person acting as an agent or representative of the foregoing.

Vacant building

A building that is:

- o Not legally occupied for a period of at least 90 consecutive days; and
- o Not actively being marketed for sale or lease, not under active construction or renovation under a valid building permit, and not temporarily vacant due to normal turnover.

In determining whether a building is unoccupied, an enforcement officer may consider the following factors:

- A. Whether lawful residential or business activity has ceased.
- B. The percentage of interior space of the building which is occupied in comparison to unoccupied.
- C. The presence or absence of fixtures, accessories or personal property.
- D. The presence or lack of utility services.
- E. The legal status of the premises in terms of either tax or mortgage foreclosure.
- F. The existence, magnitude and/or duration of code violations.
- G. The character and use of that portion of the space which is occupied.
- H. Any other factor relevant to general habitability of the premises, including but not limited to, overgrown or neglected vegetation, accumulation of mail or trash.

Abandoned building

A vacant building that also meets any applicable definition of "vacant and abandoned" residential real property under New York State law (e.g., Real Property Actions and

Proceedings Law), or that has been vacant for over one year without a demonstrated good-faith plan for occupancy, rehabilitation, or lawful demolition.

Responsible party

The owner or any person designated in writing by the owner and approved by the Town as responsible for compliance with this Local Law.

Secured

Closed, locked, and maintained so as to prevent unauthorized entry by persons or animals, and to prevent weather intrusion.

The following Article name shall be changed as written below:

ARTICLE VIII Nonconforming Uses and Vacant Buildings

The following section shall be removed and replaced:

§ 144-57

- A. Abandonment of Use** In any district, whenever a nonconforming use of land, premises, building or structure or any part or portion thereof has been discontinued for a period of one year, such nonconforming use shall not thereafter be reestablished, and all future use shall be in conformity with the provisions of this chapter. Such discontinuance of the active and continuous operation of such nonconforming use or a part or portion thereof for such period of one year is hereby construed and considered to be an abandonment of such nonconforming use, regardless of any reservation of an intent not to abandon same or an intent to resume active operations. If actual abandonment in fact is evidenced by the removal of buildings, structures, machinery, equipment and other evidences of such nonconforming use of the land and premises, the abandonment shall be construed and considered to be completed within a period of less than one year and all rights to establish or continue such nonconforming use shall thereupon terminate.
- B. Vacant Buildings** (see §144-5 Terms Defined)
- 1. Applicability**
- a. This Local Law applies to all buildings within the Town of Orchard Park, excluding buildings located within the incorporated Town of Orchard Park to the extent that they

are already subject to similar Town regulations such as the Town's Vacant Building Registry or related chapters.

- b. Where a building is subject to overlapping regulations by the Town and another jurisdiction, the more restrictive or protective provisions shall govern, to the extent permitted by law.

2. Vacant Building Registration Required

a. Registration obligation.

The owner of any building that becomes a vacant building, as defined herein, shall register the building with the Town Code Enforcement Officer within 30 days of the building becoming vacant or within 30 days of notification by the Town that the building appears to be vacant, whichever is sooner.

b. Registration form.

The registration shall be on a form provided by the Town and shall include:

- o The owner's name, mailing address, telephone number, and email.
- o If the owner is not a natural person, the name, address, and contact information of a local individual authorized to accept service and act on behalf of the owner.
- o The street address and tax map parcel number of the property.
- o The date the building became vacant or is expected to become vacant.
- o Whether utilities are on or off.
- o A plan for:
 - Maintaining the property in accordance with this Local Law and all applicable codes.
 - Securing the building.
 - Returning the building to lawful occupancy, sale, renovation, or demolition, with a proposed timeline.

c. Consent to inspection.

By registering a vacant building, the owner consents to the Code Enforcement Officer inspecting the premises at reasonable times to enforce and assure compliance with applicable codes and this Local Law.

d. **Change in information.**

The owner shall notify the Town in writing of any change in the information required on the registration within 30 days of such change.

3. Registration Fees

a. **Initial fee.**

Upon registration, the owner shall pay a vacant building registration fee in an amount set from time to time by resolution of the Town Board.

b. **Annual renewal; escalating fees.**

Registration shall be renewed annually for as long as the building remains vacant, and an annual renewal fee shall be paid. The Town Board may establish escalating fees for each year as a building remains registered as vacant, to encourage timely rehabilitation, reuse, or demolition and to offset enforcement costs.

c. **Lien.**

Unpaid registration fees, along with any penalties and costs of collection, may be assessed as a lien against the property and collected in the same manner as Town taxes to the extent permitted by law.

4. Maintenance and Security Requirements

a. **General duty.**

The owner of a vacant or abandoned building shall maintain the building and its premises in a clean, safe, and sanitary condition, in compliance with the New York State Uniform Fire Prevention and Building Code, the Town Code, and all other applicable laws and regulations.

b. **Minimum standards.**

Without limiting the generality of the foregoing, owners shall:

- Keep yards and lawn at or below 10 inches, sidewalks, and driveways free of trash, debris, and excessive vegetation.
- Maintain the exterior of the building, including roofs, walls, doors, and windows, in weather-tight and structurally sound condition.
- Secure all doors, windows, and other openings against unauthorized entry, which may include proper boarding.

- Maintain gutters and downspouts to prevent water damage to adjoining properties.
- Remove snow and ice and maintain walkways in a reasonably safe condition.

c. Posting of contact information.

The owner shall post a Notice provided by the Town, in a location visible from the public way, providing a telephone number and email address for the party responsible, so that concerns and emergencies can be promptly reported.

5. Exemptions

The following buildings shall be exempt from registration and fees, but must still comply with all applicable maintenance and safety codes:

- Buildings that are unoccupied for less than 90 consecutive days and are otherwise regularly maintained.
- Seasonal or vacation properties that are maintained and secured, and that the owner has designated in writing as seasonal to the Town.
- Buildings owned by the Town, County, State, or Federal government.

6. Inspection and Right of Entry

- The Code Enforcement Officer is authorized to inspect vacant and abandoned buildings and their premises to determine compliance with this Local Law and other applicable codes, in accordance with applicable constitutional and statutory requirements.
- If entry is refused or not obtained, the Code Enforcement Officer may seek a warrant from a court of competent jurisdiction to enter and inspect the property.

7. Violations; Penalties

a. Violations.

It shall be a violation of this Local Law to:

- Fail to register for a vacant building as required.
- Fail to renew the registration.

- Fail to pay required fees.
- Fail to maintain or secure a vacant building and premises as required.

b. Penalties.

Any person or entity violating this Local Law shall be subject to:

- A civil penalty or fine in an amount set by the Town Board, which may be assessed per day of violation, and/or
- Other remedies available to the Town at law or in equity, including but not limited to injunctive relief, orders to repair or demolish, and recovery of costs and attorney's fees as permitted by law.

c. Separate offenses.

Each day that a violation continues after written notice by the Town shall constitute a separate offense.

8. Relationship to Other Laws

- This Local Law shall be construed to supplement, and not to limit, the powers of the Town under any other local, state, or federal law, including but not limited to the Town's building, zoning, and property maintenance codes.
- Where a provision of this Local Law conflicts with another provision of the Town Code, the more restrictive provision shall apply.

9. Administration; Regulations

- The Town Board may adopt, and from time to time amend, a schedule of fees and administrative regulations to implement and administer this Local Law, including standards for securing buildings and for inspection protocols.
- The Code Enforcement Officer is authorized to develop forms and guidance for registration and to maintain a Vacant Building Registry for internal use and enforcement purposes.

Local Law 02-2026

TOWN BOARD RESOLUTION PARKING TICKET LAW

RESOLUTION ADOPTING LOCAL LAW NO. 02 OF 2026 AMENDING CHAPTER 131 OF THE CODE OF THE TOWN OF ORCHARD PARK REGARDING PARKING VIOLATIONS, TICKETS, PENALTIES, AND ENFORCEMENT

WHEREAS, the Town Board of the Town of Orchard Park has determined that the existing provisions governing parking violations, ticketing procedures, fines, and enforcement should be updated and clarified to improve public safety, promote compliance, support winter maintenance operations, and provide fair and efficient administration of parking regulations; and

WHEREAS, the Town Board finds that standardized procedures for the issuance, payment, contesting, and enforcement of parking tickets will improve consistency and transparency for residents, businesses, and visitors; and

WHEREAS, pursuant to New York State Vehicle and Traffic Law §1660(a)(25) and the Municipal Home Rule Law, the Town Board has prepared Local Law No. 02 of 2026 amending Chapter 131, "Vehicles and Traffic," of the Code of the Town of Orchard Park by establishing a new article governing parking violations, parking tickets, fines, penalties, appeals, towing, immobilization, and related enforcement procedures; and

WHEREAS, the proposed local law authorizes the Town Board to establish schedules of fines and surcharges by resolution and provides for administrative procedures to ensure uniform enforcement of parking regulations throughout the Town; and

WHEREAS, a public hearing on the proposed local law was duly advertised and held on July 15, 2026, at which all persons wishing to be heard were afforded an opportunity to comment; and

WHEREAS, the Town Board has reviewed all comments received and has determined that adoption of the proposed local law is in the best interests of the Town and its residents; and

WHEREAS, this is an Unlisted SEQR action and a Negative Declaration is hereby made.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board does hereby adopt Local Law #02-2026 Parking Violations, Tickets and Penalties. "A Local Law Amending Chapter 131 of the Code of the Town of Orchard Park Regarding Parking Violations, Tickets, Penalties, and Enforcement." And be it further

RESOLVED, that the Town Board does hereby give authority to the Town Clerk, Town Attorney, and such other Town officials as may be necessary are authorized and directed to take all actions required to incorporate the provisions of this Local Law into the Code of the Town of Orchard Park; and be it further

RESOLVED, that the Town Board does hereby direct the Town Clerk to file the adopted Local Law with the New York State Department of State in accordance with Municipal Home Rule Law §27, and be it further

RESOLVED, that this Resolution shall take effect immediately, and the Local Law shall take effect upon filing with the Secretary of State as provided therein. The Local Law is as follows:

1. Purpose and Findings

A. Purpose

The purpose of this local law is to modernize and clarify the Town of Orchard Park's regulations governing parking violations, ticketing, fines, and enforcement, to promote public safety, ensure turnover of parking spaces, support winter maintenance operations, and provide fair, transparent procedures for residents and visitors.

B. Legislative findings

The Town Board finds that:

- Existing regulations governing prohibited and time-limited parking require clearer penalties and procedures.
- Consistent enforcement of overnight and seasonal parking restrictions is necessary for safe snow removal and emergency response.
- A standardized parking ticket and appeal process will improve fairness and administrative efficiency.

2. Pursuant to New York State Vehicle and Traffic Law §1660(a)(25), this local law amends Chapter 131, "Vehicles and Traffic," of the Code of the Town of Orchard Park

This local law amends Chapter 131, "Vehicles and Traffic," of the Code of the Town of Orchard Park, by adding a new Article establishing specific provisions for parking tickets, penalties, and procedures, and by updating cross-references to parking restrictions already authorized in Chapter 131.

3. New Article: Parking Violations, Tickets and Penalties

§131- 14 Definitions

For the purposes of this Article:

- "Parking violation" means any stopping, standing, or parking of a vehicle in violation of any provision of this chapter or any schedule, map, or resolution adopted pursuant to this chapter.
- "Parking ticket" means the written notice of a parking violation issued by a police officer or other authorized enforcement officer of the Town of Orchard Park.

- “Restricted parking district” refers to areas and times designated by the Town Board where parking is regulated or prohibited, including seasonal overnight restrictions.
- “Town Court” means the Town of Orchard Park Justice Court.

§131-14 Parking ticket issuance

A. Authority to issue

Parking tickets for violations of this chapter may be issued by any police officer of the Town of Orchard Park and by any other officer or employee authorized by resolution of the Town Board.

B. Contents of ticket

Each parking ticket shall contain, at a minimum:

- Date and time of issuance.
- Alleged Section of Law Violated.
- Location of alleged violation.
- License plate number and state of registration.
- Make or description of the vehicle.
- A brief description of the violation (e.g., “Overnight parking during restricted hours,” “Parking in fire lane,” “Parking in bus stop”).
- Fine amount and any applicable surcharges, or reference to a fine schedule on file with the Town Clerk.
- Instructions on how and where to pay the fine or contest the ticket, and the deadline for doing so.

C. Service

A parking ticket may be served by affixing it securely to the vehicle in a conspicuous place or by mailing it to the registered owner’s last known address, in accordance with applicable law.

§131-14 Schedule of fines and surcharges

A. Establishment of fine schedule

The Town Board shall, by resolution, adopt a schedule of fines and surcharges for parking

violations under this chapter, which may differentiate among types of violations including, but not limited to:

- Overtime or time-limited parking.
- No-parking or no-standing zones.
- Overnight or seasonal parking restrictions (including November 1–April 1 or such other dates as the Board may establish).
- Parking in fire lanes or within designated fire zones.
- Blocking a driveway, crosswalk, or sidewalk
- Parking in bus stops, cab stands, loading zones, and safety zones.
- Parking in handicapped/accessible spaces without proper authorization (subject also to applicable state law).
- Uninspected Motor Vehicle.
- Unregistered Motor Vehicle.

B. Base fines

Unless otherwise specified by state law, each parking violation shall be subject to a base fine within a range established by Town Board resolution (for example, not less than \$50 and not more than \$250 for a first offense).

C. Repeat offenses

The fine schedule may provide for increased fines for subsequent violations by the same registered owner within a specified period, consistent with state law.

D. Surcharges and costs

State-mandated surcharges, administrative fees, towing and storage charges, and booting/immobilization fees may be collected in addition to the base fine, in amounts established by law or by Town Board resolution.

§131-14 Payment and disposition

A. Time for payment

Unless otherwise provided by law, a person to whom a parking ticket is issued shall pay the applicable fine and surcharges, or contest the ticket as provided herein, within ten (10) days after the date of issuance or mailing.

B. Methods of payment

The Town Board may authorize payment:

- In person at locations designated by the Town.
- By mail, payable to the appropriate Town office.
- By approved online payment system.

C. Failure to respond

Failure to pay or contest a parking ticket within the prescribed time may result in additional penalties, referral to collections, immobilization or towing of the vehicle for repeated offenders, and notification to the New York State Department of Motor Vehicles as permitted by law.

§131-14 Contests and appeals

A. Right to contest

Any person who believes a parking ticket was issued in error may contest the ticket by requesting a hearing before the Town Justice Court, in the manner and within the time period stated on the ticket.

B. Procedure

- The person may appear in person or through counsel, as allowed by court rules.
- The court may dismiss, reduce, or sustain the violation, and may impose applicable fines and surcharges consistent with state law and the Town's fine schedule.

C. Waiver

Failure to timely request a hearing shall constitute a waiver of the right to contest the ticket, and the fine shall be due and payable.

§131- 14Towing, removal, and immobilization

A. Authority

In addition to any other penalty, vehicles may be towed, removed, or immobilized where:

- They are parked in violation of posted no-parking or fire lane restrictions presenting a safety hazard.

- They obstruct snow removal or emergency operations during posted seasonal or emergency parking restrictions.
- They have accumulated multiple unpaid parking violations, as established by Town Board resolution.

B. Costs

The owner or operator of any vehicle removed, towed, stored, or immobilized shall be liable for the payment of all towing, storage, and immobilization charges, in addition to any fines and surcharges.

§131-14 Relationship to existing parking regulations

A. Existing restrictions

All existing provisions of Chapter 131 relating to:

- Designation of no-parking zones.
 - Time-limited parking.
 - Loading zones, safety zones, bus stops, taxicab stands.
 - Fire lanes and other restricted zones.
- remain in full force and effect and are enforceable by means of parking tickets under this Article.

B. Schedules and maps

All schedules of streets and parking restrictions adopted by the Town Board and maintained on file in the office of the Town Clerk are hereby incorporated by reference as if fully set forth herein.

§131-14 Severability; effective date

A. Severability

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof.

B. Effective date

This local law shall take effect upon filing with the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.

LOCAL LAW 03-2026

WHEREAS, the Town Board of the Town of Orchard Park and the Ethics Board of the Town of Orchard Park are committed to maintaining the highest standards of integrity, transparency, and accountability in municipal governance, and

WHEREAS, the Town Board of the Town of Orchard Park and the Ethics Board of the Town of Orchard Park have proposed updates to Article 12 Ethics Code of the Town of Orchard Park to establish the existence of alternate members to the Ethics Board to ensure a quorum exists for regular and special meetings, to clarify certain ambiguities, and to provide specificity to the procedures for investigations and standards of conduct for Town Officers and Employees, and

WHEREAS, due and timely notice of the amendments having been given, and a public hearing relating to the matter of Local Law 03-2026 was conducted on July 15, 2025, at a regular meeting of the Town Board of the Town of Orchard Park, at which time all interested parties were given an opportunity to speak, and

WHEREAS, this is an unlisted action under SEQOR, and the Town Board hereby makes a motion for a negative declaration.

NOW, THEREFORE, be it

RESOLVED, that the Town Board is hereby authorized to adopt Local Law 03-2026 which provides as follows:

Delete current §12-2 “Standards of conduct for Town officers and employees” and Replace §12-2 with the Amended

“§12-2 Standards of conduct for Town officers and employees:

A. General prohibition. A Town officer or employee shall not use his or her official position or office to take or fail to take any action in a manner which he or she knows or has reason to know may result in a personal financial benefit for any of the following persons:

- (1) The Town officer or employee;
- (2) His or her outside employer or business;
- (3) A member of his or her household;
- (4) A customer or client; or
- (5) A relative.

B. Recusal. A Town officer or employee shall promptly recuse himself or herself from acting on a matter before the Town when acting on the matter, or failing to act on the matter, may financially benefit any of the persons listed in Subsection A of this section.

C. Gifts. A Town officer or employee shall not directly or indirectly solicit, accept or receive any gift, whether in the form of money, services, loan, travel, entertainment, hospitality, material goods, thing or promise or any other form, under circumstances in which it could reasonably be inferred or could reasonably be expected that the gift was intended to influence such officer or employee in the performance of his or her official duties or was intended as a reward for any official action or inaction. Under no circumstances shall an officer or employee accept any gift in excess of the values set forth pursuant to New York State law.

LOCAL LAW 03-2026

- D. Representation. A Town officer or employee shall not represent any other person in any matter that person has before the Town nor represent any other person in any matter against the interests of the Town.
- E. Appearances. A Town officer or employee shall not appear before any agency of the Town except on his or her own behalf or on behalf of the Town.
- F. Confidential information. Town officers and employees and former officers and employees shall not disclose any confidential information or use it to further anyone's personal interests.
- G. Political solicitation. A Town officer or employee shall not knowingly request, or authorize anyone else to request, any subordinate of that officer or Town employee to participate in an election campaign or contribute to a political committee. This provision shall not prohibit general mailings or solicitations.
- H. Future employment. A Town officer or employee shall not, within two years after the termination of service or employment with the Town, appear before any board or agency of the Town of Orchard Park in relation to any case, proceeding or application in which he or she personally participated during the period of his or her service or employment or which was under his or her active consideration.
- I. Avoidance of conflicts. Town officers and employees shall not knowingly acquire, solicit, negotiate for, or accept any interest, employment, or other thing of value which would put them in violation of this chapter.
- J. Inducement of others. A Town officer or employee shall not induce or aid another officer or employee of the Town to violate any of the provisions of this chapter.
- K. Interference with Ethics Board investigation. A Town officer or employee shall not attempt to interfere with the investigation of any complaint made to the Ethics Board.
- L. No person shall be employed under the supervision of any person described in § 12-2A(2) through (5). Any person employed under the supervision of such person at the time of the adoption of this local law² shall be exempt from this local law.”, AND

Delete current §12-11 “Ethics Board: establishment; qualifications of members; appointment of members; term of office.” and replacing §12-11 with the Amended

“§12-11 Ethics Board: establishment; qualifications of members; appointment of members; term of office:

- A. There is hereby established an Ethics Board consisting of a minimum of five members and two alternate members, a majority of whom are not otherwise Orchard Park officers or employees. Such Board may include at least one member who is an elected or appointed municipal officer or employee. Alternate members shall attend all regular meetings of the Ethic Board but shall not be voting members. In the event that an Ethics Board member is absent for any reason, an alternate member is hereby authorized to take the place of the voting absent Ethics Board member.
- B. All members of the Ethics Board shall be residents of the Town of Orchard Park.
- C. The Town Board shall appoint the members of the Ethics Board for staggered terms of five years as their terms expire. These appointments will occur each January at the Town Board's annual reorganizational meeting.
- D. The members of the Ethics Board shall not receive compensation but shall be reimbursed for reasonable expenses incurred in the performance of their official duties.

LOCAL LAW 03-2026

E. Except for elected officials, no member of the Ethics Board shall make a contribution to or participate in any Town of Orchard Park political campaigning pertaining to a specific Town office.

F. Service on the Ethics Board shall not exceed 10 years.”, AND

Delete current §12-18 “Investigations” and Replacing §12-11 with the Amended

“§12-18 Investigations:

A. Upon receipt of a signed, written complaint by any person alleging a violation of this chapter, or upon determining on its own initiative that a violation of this chapter may exist, the Ethics Board shall have the power and duty to conduct any investigation necessary to carry out the provisions of this chapter. The Ethics Board may conduct its investigation as it sees fit. As part of the investigation, the Ethics Board may, but is not required to, conduct interviews of the complainant, the subject of the complaint, and other witnesses.

B. For every signed, written complaint it receives and every investigation it conducts, the Ethics Board shall file a statement of determination with the Town Clerk and the Town Board when the matter is decided.”

Effective Date: This local law shall take effect thirty (30) days after filing with the Secretary of State.

And be it further

RESOLVED, that a copy of Local Law 03-2026 in its entirety be placed on file in the Town Clerk’s Office and be posted on the Town’s Website and that a notice of adoption be published once in the Orchard Park Bee, a newspaper regularly published and having general circulation in the Town, and posted as provided by law; and be it further

RESOLVED, that the Town Clerk is hereby directed to file Local Law 03-2026 with the Secretary of State which reads as follows:

Chapter 12

ETHICS

ARTICLE I Substantive Provisions

		vacancies.	§ 12-12.	Ethics Board:
§ 12-1.	Definitions.	removal of	§ 12-13.	Ethics Board:
§ 12-2.	Standards of conduct for Town officers and employees.			members.
§ 12-3.	Annual disclosure.	minutes.	§ 12-14.	Ethics Board:
§ 12-4.	Transactional disclosure.		§ 12-15.	Ethics Board:
§ 12-5.	Applicant disclosures.	meetings.	§ 12-16.	Ethics Board:
§ 12-6.	Inducement of violations.	jurisdiction,		powers, and duties.
§ 12-7.	Penalties for offenses.		§ 12-17.	Review of list
§ 12-8.	Injunctive relief.			and disclosure

ARTICLE II Administrative Provisions

§ 12-9.	Designation of officers and employees required to file annual disclosure statements.	assessment of	§ 12-18.	Investigations.
			§ 12-19.	Hearings;
				penalties; injunctive relief.
§ 12-10.	Maintenance of disclosure statements.	opinions.	§ 12-20.	Advisory
§ 12-11.	Ethics Board: establishment; qualifications of members; appointment of members; term of office.	education.	§ 12-21.	Judicial review.
		review of	§ 12-22.	Training and
			§ 12-23.	Annual reports;
				Ethics Law.
			§ 12-24.	Public
				inspection of records;
				public access to meetings.
			§ 12-25.	Distribution
				to officers and
				employees.

[HISTORY: Adopted by the Town Board of the Town of Orchard Park 3-5-2003 by L.L. No. 2-2003.¹ Amendments noted where applicable.]

1. Editor's Note: This chapter also repealed former Ch. 12, Ethics, consisting of Art. I, Board of Ethics, adopted as Subpart C of the 1970 Code; and Art. II, Code of Ethics, adopted as Subpart D of the 1970 Code, as amended.

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ARTICLE I
Substantive Provisions

§ 12-1. Definitions.

Unless otherwise stated or unless the context otherwise requires, when used in this Code the following shall have the meanings indicated:

APPEAR AND APPEAR BEFORE — Communicating in any form, including, without limitation, personally, through another person, by letter, telephone, or by any other device.

CUSTOMER OR CLIENT — Any entity or person to whom an officer or employee of the Town of Orchard Park or his or her outside employer or business has supplied goods or services during the previous calendar year having, in the aggregate, a value greater than \$2,000.

FINANCIAL BENEFIT — Any money, service, license, permit, contract, authorization, loan, travel, entertainment, hospitality, gratuity or other compensation of anything of value, or any promise thereof.

HOUSEHOLD — All persons living in a single residence whether related or not.

OUTSIDE EMPLOYER OR BUSINESS — Any activity or entity, other than the Town of Orchard Park, of which a Town officer or employee is an owner, partner, director, officer, employee or member and from which he or she receives compensation for services rendered or goods sold or produced, or any entity in which he or she has an ownership interest except a corporation in which he or she owns less than 5% of the outstanding stock.

RELATIVE — A spouse, child, step-child, stepparent or any person who is a direct descendant of the grandparents of the reporting individual or of the reporting individual's spouse, and the spouses of the aforementioned persons.

TOWN OFFICER OR EMPLOYEE — Any officer, employee or appointee of the Town of Orchard Park, whether paid or unpaid, which includes, without limitation, all members of any board, commission, committee or other agency thereof, excluding a judge or justice of the Unified Court System and members of temporary advisory committees.

§ 12-2. Standards of conduct for Town officers and employees.

- A. General prohibition. A Town officer or employee shall not use his or her official position or office to take or fail to take any action in a manner which he or she knows or has reason to know may result in a personal financial benefit for any of the following persons:
- (1) The Town officer or employee;
 - (2) His or her outside employer or business;
 - (3) A member of his or her household;
 - (4) A customer or client; or
 - (5) A relative.
- B. Recusal. A Town officer or employee shall promptly recuse himself or herself from acting on a matter before the Town when acting on the matter, or failing to act on the matter, may financially benefit any of the persons listed in Subsection A of this section.
- C. Gifts. A Town officer or employee shall not directly or indirectly solicit, accept or receive any gift,

whether in the form of money, services, loan, travel, entertainment, hospitality, material goods, thing or promise or any other form, under circumstances in which it could reasonably be inferred or could reasonably be expected that the gift was intended to influence such officer or employee in the performance of his or her official duties or was intended as a reward for any official action or inaction. Under no circumstances shall an officer or employee accept any gift in excess of the values set forth pursuant to New York State law.

- D. Representation. A Town officer or employee shall not represent any other person in any matter that person has before the Town nor represent any other person in any matter against the interests of the Town.
- E. Appearances. A Town officer or employee shall not appear before any agency of the Town except on his or her own behalf or on behalf of the Town.
- F. Confidential information. Town officers and employees and former officers and employees shall not disclose any confidential information or use it to further anyone's personal interests.
- G. Political solicitation. A Town officer or employee shall not knowingly request, or authorize anyone else to request, any subordinate of that officer or Town employee to participate in an election campaign or contribute to a political committee. This provision shall not prohibit general mailings or solicitations.
- H. Future employment. A Town officer or employee shall not, within two years after the termination of service or employment with the Town, appear before any board or agency of the Town of Orchard Park in relation to any case, proceeding or application in which he or she personally participated during the period of his or her service or employment or which was under his or her active consideration.
- I. Avoidance of conflicts. Town officers and employees shall not knowingly acquire, solicit, negotiate for, or accept any interest, employment, or other thing of value which would put them in violation of this chapter.
- J. Inducement of others. A Town officer or employee shall not induce or aid another officer or employee of the Town to violate any of the provisions of this chapter.
- K. Interference with Ethics Board investigation. A Town officer or employee shall not attempt to interfere with the investigation of any complaint made to the Ethics Board.
- L. No person shall be employed under the supervision of any person described in § 12-2A(2) through (5). Any person employed under the supervision of such person at the time of the adoption of this local law² shall be exempt from this local law. [Added 2-4-2009 by L.L. No. 2-2009³]

§ 12-3. Annual disclosure.

- A. The following individuals shall submit an annual disclosure statement: [Amended 2-4-2009 by L.L. No. 2-2009]
 - (1) All elected officials;
 - (2) All department heads;
 - (3) All members of the Zoning Board, Planning Board, Board of Ethics, Trails Task Force, Board of Assessment Review, Economic Development Board, Historic Preservation Board, Insurance Review Committee, Library Board, Open Space Preservation and Farmland Protection Task

2. Editor's Note: "This local law" refers to L.L. No. 2-2009.

3. Editor's Note: This local law also repealed former Subsection K, Insurance Brokers Committee.

Force, Public Safety Committee, Recreation Commission, Youth Board, Computer and Information Advisory Commission, Architectural Overlay, Energy Conservation and Comprehensive Plan Implementation Committee. **[Amended 5-25-2011 by L.L. No. 2-2011]**

B. Time and place for filing. A Town officer or employee shall file the required annual disclosure statement with the Town Clerk:

- (1) Initially, within 120 days after the effective date of this section; or
- (2) Subsequently within 60 days after first becoming subject to the requirements of Subsection A of this section; and
- (3) No later than March 1 of each year thereafter.

C. Changes in disclosed information. Within 30 days after any change in the information contained in his or her most recently filed annual disclosure statement, a Town officer or employee shall file with the Town Clerk a signed amendment to his or her statement indicating the change(s).

D. Contents and form of annual disclosure statement.

- (1) The annual disclosure statement shall include the identification of any:
 - (a) Real property located within the Town or contiguous to the boundary of the Town in which the Town officer or employee, his or her spouse or any member of his or her household has a financial interest;
 - (b) Self-employment or outside employer or business of the Town officer or employee, his or her spouse or any member of his or her household which has a business interest with the Town of Orchard Park or any of its agencies or may reasonably be expected to solicit such business; and
 - (c) Investments or interests of the Town officer or employee, his or her spouse, any member of his or her household or any of his or her relatives in any business, corporation, partnership, association or other entity which has a business interest with the Town of Orchard Park or any of its agencies or may reasonably be expected to solicit such business.
- (2) The form and any additional contents of the annual disclosure statement shall be determined by the Ethics Board.

§ 12-4. Transactional disclosure.

Whenever a Town officer or employee is required to recuse himself or herself under this chapter, he or she shall:

- A. Immediately refrain from participating further in the matter;
- B. Promptly inform his or her superior, if any; and
- C. Promptly file with the Town Clerk a signed statement disclosing the nature and extent of the prohibited action or, if a member of a board, shall state that information upon the public record of that board.

§ 12-5. Applicant disclosures.

- A. Whenever an application, petition or request is submitted for an officer or employee of a board, commission, committee, department or other agency of the Town to take or refrain from taking any action (other than a ministerial act) that may result in a financial benefit to any person listed in § 12-2A of this chapter, the applicant shall disclose the name and address of and the nature of the financial benefit to such person in the application, petition or request to the extent known to the applicant at the time of submission.
- B. Any board, commission, committee, department or other agency of the Town, which receives an applicant disclosure pursuant to Subsection A of this section, shall promptly file such applicant disclosure with the Town Clerk.
- C. The following statement will be read aloud at the beginning of every public meeting of every board, commission, committee or other agency of the Town:

"Any person appearing before this (board, commission, committee, agency) who is a relative of, or who has a financial or business relationship with any officer or employee of the Town of Orchard Park must disclose the nature and extent of such relationship in accordance with the provisions of the Ethics Law of the Town of Orchard Park."

§ 12-6. Inducement of violations.

No person shall induce or attempt to induce any other person to violate any of the provisions of this chapter.

§ 12-7. Penalties for offenses.

- A. Any Town officer or employee who engages in any action that violates any provision of this chapter may be warned or reprimanded or suspended or removed from office or employment, or be subject to any other sanction authorized by law or collective bargaining agreement, by the appointing authority or person or body authorized by law to impose such sanctions. A warning, reprimand, suspension, removal, or other authorized sanction may be imposed in addition to any other penalty contained in this chapter or in any other provision of law.
- B. Any person, whether or not a Town officer or employee, who knowingly and intentionally violates any provision of this chapter may be subject to a fine not exceeding \$250 and/or imprisonment not exceeding 15 days.

§ 12-8. Injunctive relief.

- A. Any person may initiate an action or special proceeding, as appropriate, in the court of appropriate jurisdiction for injunctive relief to enjoin an officer or employee of the Town from violating this chapter or to compel an officer or employee of the Town to comply with the provisions of this chapter. In lieu of, or in addition to injunctive relief, the action or special proceeding, as appropriate, may seek a declaratory judgment.
- B. No action or special proceeding shall be prosecuted or maintained pursuant to Subsection A of this section, unless:
 - (1) The plaintiff or petitioner shall have filed with the Ethics Board a sworn complaint alleging the violation by the officer or employee;
 - (2) It shall appear by and as an allegation in the complaint or petition filed with the court that at

least six months have elapsed since the filing of the complaint with the Ethics Board and that the Ethics Board has failed to file a determination in the matter; and

- (3) The action or special proceeding shall be commenced within 10 months after the alleged violation occurred.

ARTICLE II
Administrative Provisions

§ 12-9. Designation of officers and employees required to file annual disclosure statements.

- A. Within 60 days after the effective date of this chapter, and on or before January 31 of each year thereafter, the Supervisor of the Town shall:
- (1) Cause to be filed with the Ethics Board and the Town Clerk a list of the names and offices or positions of all Town officers and employees required to file annual disclosure statements pursuant to § 12-3 of this chapter; and
 - (2) Notify all such Town officers and employees of their obligation to file an annual disclosure statement.
- B. For any newly elected or appointed Town officer or employee and for any other person for whom a determination has been made that he or she is required to file an annual disclosure statement pursuant to § 12-3 of this chapter and such determination is made after the list prepared pursuant to Subsection A of this section has been filed for that year, the Supervisor shall promptly file the name and office or position of such Town officer or employee or other person with the Ethics Board and the Town Clerk and notify such Town officer or employee or other person of his or her obligation to file an annual disclosure statement.

§ 12-10. Maintenance of disclosure statements.

- A. The Town Clerk shall transmit promptly to the Ethics Board a copy of each disclosure statement filed pursuant to §§ 12-3, 12-4 and 12-5 of this chapter.
- B. The Town Clerk, on behalf of the Ethics Board, shall index and maintain on file for at least seven years all disclosure statements filed pursuant to §§ 12-3, 12-4 and 12-5 of this chapter.
- C. All disclosure statements filed pursuant to §§ 12-3, 12-4 and 12-5 of this chapter shall be made available for public review subject to the provisions of Article 6 (Freedom of Information Law) of the Public Officers Law of the State of New York.

§ 12-11. Ethics Board: establishment; qualifications of members; appointment of members; term of office. [Amended 2-4-2009 by L.L. No. 2-2009; 4-4-2018 by L.L. No. 4-2018]

- A. There is hereby established an Ethics Board consisting of a minimum of five members and two alternate members, a majority of whom are not otherwise Orchard Park officers or employees. Such Board may include at least one member who is an elected or appointed municipal officer or employee. Alternate members shall attend all regular meetings of the Ethics Board but shall not be voting members. In the event that an Ethics Board member is absent for any reason, an alternate member is hereby authorized to take the place of the voting absent Ethics Board member.
- B. All members of the Ethics Board shall be residents of the Town of Orchard Park.
- C. The Town Board shall appoint the members of the Ethics Board for staggered terms of five years as their terms expire. These appointments will occur each January at the Town Board's annual reorganizational meeting.
- D. The members of the Ethics Board shall not receive compensation but shall be reimbursed for reasonable expenses incurred in the performance of their official duties.
- E. Except for elected officials, no member of the Ethics Board shall make a contribution to or participate in any Town of Orchard Park political campaigning pertaining to a specific Town office.

F. Service on the Ethics Board shall not exceed 10 years.

§ 12-12. Ethics Board: vacancies.

When a vacancy occurs in the membership of the Ethics Board, the vacancy shall, within 60 days, be filled for the unexpired portion of the term in the same manner as the original appointment. Any person appointed to fill a vacancy of the Ethics Board shall meet the qualifications set forth in § 12-11 of this chapter.

§ 12-13. Ethics Board: removal of members.

A member of the Ethics Board may be removed from office in the same manner in which he or she was appointed, after written notice and opportunity for reply. Grounds for removal shall be failure to meet the qualifications set forth in § 12-11 of this chapter, substantial neglect of duty, failure to attend 3 consecutive meetings, gross misconduct in office, inability to discharge the powers or duties of office, or violation of this chapter.

§ 12-14. Ethics Board: minutes.

- A. The Town Board shall provide legal and clerical assistance to the Ethics Board as required.
- B. The official minutes of meetings and case hearings will be approved by the Ethics Board.
- C. The official minutes will be recorded and filed with the Town Clerk.
- D. The minutes of case hearings will be confidential.

§ 12-15. Ethics Board: meetings.

- A. The Ethics Board shall conduct an organizational meeting in January of each year, at which time a chair and a vice-chair shall be elected from among its members.
- B. The Ethics Board shall conduct a sufficient number of meetings each year to fulfill its obligations pursuant to §§ 12-17, 12-22 and 12-23 of this chapter, and at such additional times as may be necessary to promptly discharge its duties pursuant to §§ 12-18, 12-19 and 12-20 of this chapter.
- C. An official meeting of the Ethics Board shall require a quorum of three members.
- D. A majority vote of the full Ethics Board shall be required for the Ethics Board to take any action.
- E. The chair, vice-chair or a majority of the full Ethics Board may call a meeting of the Ethics Board.

§ 12-16. Ethics Board: jurisdiction, powers, and duties.

- A. The termination of a municipal officer's or employee's term of office or employment with the Town shall not affect the jurisdiction of the Ethics Board with respect to the requirements imposed on him or her by this chapter.
- B. The Ethics Board shall have the following powers and duties:
 - (1) To prescribe and promulgate rules and regulations governing its own internal organization and procedures in a manner consistent with this chapter;
 - (2) To review, index and maintain on file all disclosure statements filed pursuant to §§ 12-3, 12-4 and 12-5 of this chapter;

- (3) To investigate, index and maintain on file all complaints filed pursuant to § 12-18 of this chapter;
- (4) To conduct hearings, recommend disciplinary action, make referrals and initiate appropriate actions and proceedings pursuant to § 12-19 of this chapter;
- (5) To render, index and maintain on file, advisory opinions pursuant to § 12-20 of this chapter;
- (6) To provide training and education to Town officers and employees pursuant to § 12-22 of this chapter;
- (7) To prepare an annual report and recommend changes to this chapter pursuant to § 12-23 of this chapter;
- (8) To provide for public inspection of certain records pursuant to § 12-24 of this chapter; and
- (9) To select provisions of this chapter for reproduction and distribution pursuant to § 12-25 of this chapter.

§ 12-17. Review of list and disclosure statements.

A. The Ethics Board shall review:

- (1) The list of Town officers and employees filed pursuant to § 12-9 of this chapter in order to determine whether such list is complete and accurate. The Ethics Board shall promptly notify the Supervisor of the Town of the name and office or position of any other person not included on the list whom the Ethics Board determines is required to file an annual disclosure statement pursuant to § 12-3 of this chapter;
- (2) All annual disclosure statements filed with the Town Clerk pursuant to § 12-3 of this chapter in order to determine whether any person required to file an annual disclosure statement has failed to file such a statement or has filed a deficient statement or has filed a statement that reveals a possible or potential violation of this chapter; and
- (3) All transactional and applicant disclosure statements filed with the Town Clerk pursuant to §§ 12-4 and 12-5 of this chapter in order to determine whether any further action is required under the provisions of this chapter.

B. If the Ethics Board determines that any person required to file a disclosure statement pursuant to §§ 12-3, 12-4 or 12-5 of this chapter has failed to file such a statement or that any disclosure statement filed with the Town Clerk is deficient or reveals a possible or potential violation of this chapter, the Ethics Board shall promptly notify the person in writing of his or her failure to file or of the deficiency or of the potential violation and of the penalties for failure to comply with the provisions of this chapter.

§ 12-18. Investigations.

- A. Upon receipt of a signed, written complaint by any person alleging a violation of this chapter, or upon determining on its own initiative that a violation of this chapter may exist, the Ethics Board shall have the power and duty to conduct any investigation necessary to carry out the provisions of this chapter. The Ethics Board may conduct its investigation as it sees fit. As part of the investigation, the Ethics Board may, but is not required to, conduct interviews of the complainant, the subject of the complaint, and other witnesses.
- B. For every signed, written complaint it receives and every investigation it conducts, the Ethics Board shall file a statement of determination with the Town Clerk and the Town Board when the matter is decided.

- C. Any person filing a signed, written complaint with the Ethics Board shall be notified in writing when the matter is decided.
- D. If the Ethics Board is able to dispose of a complaint solely upon the facts stated in the written complaint, as no further action being required, or not within the purview of the Ethics Board, it shall do so. However, upon the Ethics Board making a determination that a comprehensive investigation of the allegations is necessary (i.e., if it intends to conduct interviews of any individuals), the subject of the complaint shall be notified of the complaint and its allegations (while keeping confidential the identifying information of the complainant) and provide an opportunity for the subject of the complaint to make a statement to the Ethics Committee in regard thereto, which may be used in any subsequent Hearing under § 12-19, if such Hearing is deemed appropriate by the Ethics Board.
- E. If, during the course of its investigation, the Ethics Board finds that the person that is the subject of the complaint violated additional sections of this chapter or any other law that were not included in the original complaint, the Ethics Board may – but is not compelled to – investigate those findings, without the need for an additional signed, written complaint.
- F. Nothing in this section shall be construed to permit the Ethics Board to conduct an investigation of itself or of any of its members or staff. If the Ethics Board receives a complaint alleging that the Ethics Board or any of its members or staff has violated any provision of this chapter or any other law, the Ethics Board shall promptly transmit to the Town Board a copy of the complaint.

§ 12-19. Hearings; assessment of penalties; injunctive relief.

- A. Disciplinary action. In its discretion, after a hearing providing for due process procedural mechanisms and subject to any applicable provisions of law, the Ethics Board may recommend appropriate disciplinary action pursuant to § 12-7 of this chapter. The recommendation of the Ethics Board shall be made to the appointing authority or person or body authorized by law to impose such sanctions. The Ethics Board shall conduct and complete the hearing with reasonable promptness, unless in its discretion the Ethics Board refers the matter to the authority or person or body authorized by law to impose disciplinary action or unless the Ethics Board refers the matter to the appropriate prosecutor. If such referral is made, the Ethics Board may adjourn the matter pending determination by the authority, person, body, or prosecutor.
- B. Injunctive relief. The Town Board, or the Ethics Board on behalf of the Town, may initiate an action or special proceeding, as appropriate, in the court of appropriate jurisdiction for injunctive relief to enjoin a violation of this chapter or to compel compliance with this chapter, as provided in § 12-8 of this chapter.
- C. Prosecutions. The Ethics Board may refer to the appropriate prosecutor possible criminal violations of this chapter. Nothing contained in this chapter shall be construed to restrict the authority of any prosecutor to prosecute any violation of this chapter or of any other law.

§ 12-20. Advisory opinions.

- A. Upon the written request of any Town officer, employee, or member of a Town agency or board, the Ethics Board shall render a written advisory opinion with respect to the interpretation or application of this chapter or of Article 18 of the General Municipal Law of the State of New York as to whether the Town officer's or employee's interest in any matter which comes before the officer or employee for his or her determination, decision or recommendation conflicts with his or her official duties. The decision of the Ethics Board shall be rendered promptly.

- B. Any person presenting a matter to a Town officer or employee or to a Town agency or board, other than a court, may submit a similar request but only with respect to whether his or her own action might violate a provision of this chapter or Article 18 of the General Municipal Law.
- C. Upon request for an advisory opinion concerning a Town officer or employee, he or she shall refrain from taking any action or participating in any hearing or discussion of the matter until an advisory opinion is rendered.
- D. A prospective officer or employee may submit a request for an advisory opinion as to whether he or she has an interest, which may conflict with the position, offered or contemplated.
- E. The opinion rendered shall be based only on the facts, which are fully and accurately presented to the Ethics Board. If the Ethics Board subsequently receives different or additional facts, it may revise the opinion after giving notice to the applicant offering him or her the opportunity of explaining or

refuting such facts.

- F. Advisory opinions shall be confidential. Copies of such advisory opinions shall be sealed, indexed and maintained on file by the Ethics Board at the Town Clerk's Office.

§ 12-21. Judicial review.

Any person aggrieved by an advisory opinion or decision of the Ethics Board may seek judicial review and relief pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York.

§ 12-22. Training and education.

The Ethics Board shall:

- A. Make information concerning this chapter and Article 18 of the General Municipal Law available to the officers and employees of the Town, to the public and to persons interested in doing business with the Town; and
- B. Develop educational materials and an educational program for the officers and employees of the Town on the provision of this chapter and on Article 18 of the General Municipal Law.

§ 12-23. Annual reports; review of Ethics Law.

- A. The Ethics Board shall prepare and submit an annual report to the Supervisor and Town Board, summarizing the activities of the Ethics Board. The report may also recommend changes to the text or administration of this chapter. An annual report shall be submitted by the Ethics Board prior to March 1 of each year. [Amended 2-4-2009 by L.L. No. 2-2009]
- B. The Ethics Board shall periodically review this chapter and its rules, regulations, and administrative procedures to determine whether they promote integrity, public confidence, and participation in Town government and whether they set forth clear and enforceable, common sense standards of conduct.

§ 12-24. Public inspection of records; public access to meetings.

- A. The only records of the Ethics Board which shall be available for public inspection are those whose disclosure is required by Article 6 (Freedom of Information Law) of the Public Officers Law of the State of New York or by some other state or federal law or regulation.
- B. No meeting or proceeding of the Ethics Board concerning misconduct, nonfeasance, or neglect in office by a Town officer or employee shall be open to the public, except upon the request of the officer or employee or as required by the provisions of Article 7 (Open Meeting Law) of the Public Officers Law or by some other state or federal law or regulation.

§ 12-25. Distribution to officers and employees.

- A. Every Town officer and employee shall be furnished an annual disclosure statement form and a copy of selected provisions of the Ethics Law in the month of January of each year or at the time of his or her employment or appointment with the Town.
- B. Copies of the entire text of the Ethics Law shall be made available to the public at the office of the Town Clerk.
- C. Failure of the Town to comply with the provisions of this section or failure of any Town officer or

employee to receive a copy of the provision of this chapter shall have no effect on the duty of compliance with this chapter or on the enforcement of its provisions.

Local Law 04-2026

TOWN BOARD RESOLUTION DR2 and SMU PARKING LAW

RESOLUTION ADOPTING LOCAL LAW NO. 4 OF 2026 AMENDING CHAPTER 144 OF THE CODE OF THE TOWN OF ORCHARD PARK REGARDING ERIE COUNTY STADIUM PARKING

WHEREAS, the Town Board of the Town of Orchard Park has determined that the SMU (Stadium Mixed Use) and DR2 (Development and Research 2) Zoning districts are not included in §144-12 Erie County Football Stadium Parking; and

WHEREAS, the Town Board finds that their inclusion will assist in the orderly permitting and regulation of parking on stadium activity dates; and

WHEREAS, the Town Board has reviewed proposed amendments to Chapter 1; and

WHEREAS, a public hearing on the proposed local law was duly advertised and held on July 15, 2026, at which all persons wishing to be heard were afforded an opportunity to comment; and

WHEREAS, the Town Board has reviewed all comments received and has determined that adoption of the proposed local law is in the best interests of the Town and its residents; and

WHEREAS, this is an Unlisted SEQR action and a Negative Declaration is hereby made.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby adopt Local Law #04-2026 DR2 Stadium Parking Update, "A Local Law Amending Chapter 144 of the Code of the Town of Orchard Park Regarding Zoning"; and be it further

RESOLVED, that the Town Board does hereby give authority to the Town Clerk, Town Attorney, and such other Town officials as may be necessary are authorized and directed to take all actions required to incorporate the provisions of this Local Law into the Code of the Town of Orchard Park; and be it further

RESOLVED, that the Town Board does hereby direct the Town Clerk to file the adopted Local Law with the New York State Department of State in accordance with Municipal Home Rule Law §27, and be it further

RESOLVED, that this Resolution shall take effect immediately, and the Local Law shall take effect upon filing with the Secretary of State as provided therein. The Local Law is as follows:

Additions are underlined

Deletions are denoted by a ~~strikethrough~~

§ 144-12. Erie County Football Stadium parking. [Amended 4-27-2011 by L.L. No. 1-2011; 8-16-2017 by L.L. No. 13-2017; 9-5-2018 by L.L. No. 9-2018; 9-19-2018 by L.L. No. 10-2018; 9-3-2020 by L.L. No. 6-2020]

- A. On any Erie County Football Stadium activity date, residential property owners may permit parking for compensation on their premises in the DR-2, SMU, R-3 and R-4 Zones that fall within a one-mile radius from the center of the Erie County Football Stadium. Said radius is described on a map which is made part of this chapter. Such map modifies a Zoning Map of the Town of Orchard Park referred to in § 144-7.
- B. On any Erie County Football Stadium activity date, the property owners in any DR-2, SMU, B-2 or I-1 Zone within the one-mile radius described above may permit parking for compensation, providing they have obtained a commercial parking permit from the Town of Orchard Park.
- C. Only parking lots in existence on May 3, 2017, are allowed hereunder, and all others are specifically prohibited.
- D. No such allowed parking lot, residential or commercial, shall change its topography or be expanded beyond its footprint or parking capacity by number of cars beyond that which existed May 3, 2017.
- E. All such allowed residential parking lots are specifically prohibited to park buses.
- F. Any parking lot, residential or commercial, with outstanding violations from the Code Enforcement Office shall not be issued a new parking permit.
- G. The above-referenced regulations are subject to enforcement by the Orchard Park Police Department or any other agency charged with the regulation of traffic, crowd control, and/or public health and welfare.