

A Meeting of the Town Board of the Town of Orchard Park, Erie County, New York, was held at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park, New York on the 27th day of June, 2012 at 9:04 PM, the meeting was called to order by Supervisor Colarusso and there were:

PRESENT AT ROLL CALL:	Janis Colarusso	Supervisor
	David Kaczor	Councilmember
	Eugene Majchrzak	Councilmember
	Carol Hutton	Town Clerk
	John C. Bailey	Town Attorney
	Andrew Benz	Chief of Police
	Wayne Bieler	Town Engineer
	Frederick Piasecki, Jr.	Highway Superintendent

Old Business #1 Appoint Part Time Staff to Assessor’s Office

1) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR COLARUSSO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER KACZOR, TO WIT:

RESOLVED, that the Town Board does hereby authorize Milton Bradshaw, the Town Assessor, to hire Mary Colleen Quinn, 4107 N. Freeman Rd., Orchard Park, as part time staff at a rate of \$14.00/hr., PT6-C (Clerk) effective July 2, 2012

The resolution was unanimously adopted.

Old Business #2 Appoint Part Time Real Property Appraiser

2) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR COLARUSSO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER KACZOR, TO WIT:

RESOLVED, that the Town Board does hereby authorize the Town Assessor to hire Stephen R. Pigeon, 43 Maple St., Lackawanna to the position of Real Property Appraiser, permanent PT (Noncompetitive) at the Non-Union Pay Scale, Range, PT4-D (\$12.00/hr), as of July 2, 2012, working less than 19 hours a week.

The resolution was unanimously adopted.

Old Business #3 Award Bid for Two 2012 Police Vehicles

3) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR COLARUSSO, TO WIT:

RESOLVED, that the Town Board does hereby award the bid for the “Two (2) New 2012 Marked Police Patrol Vehicles” for the Police Department, to Joe Basil Chevrolet, 5111 Transit Rd., Depew NY, in the amount of \$27,734.00 each, and authorize the trade in of two (2) 2010 Ford Crown Victorias, as recommend by the Chief of Police, Andy Benz.

The resolution was unanimously adopted.

Old Business #4 Adopt 2012 Orchard Park Policy Manual

4) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER KACZOR, TO WIT:

RESOLVED, that the Town Board does hereby adopt the 2012 Orchard Park Personnel Policy Manual.

The resolution was unanimously adopted.

New Business #1 Authorize Release of Escrow

5) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER KACZOR, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MAJCHRZAK, TO WIT:

WHEREAS, on November 2, 2011, the Town Board accepted dedication of the public improvements constructed in the above referenced subdivision with the stipulation that funds paid by the Contractor be held in escrow until the following was completed:

Complete field seeding and mulching of 15.16-acres of disturbed area	\$ 15,000
Complete remaining R.O.W. area final grading, seeding and mulching	\$ 4,500
Complete landscaping planting in cul-de-sac (9 trees)	\$ 2,700

WHEREAS, the Contractor has since completed the above referenced work. The work was inspected by the Engineering Department and found to be in compliance with Town specifications.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Town Clerk the \$22,200 held in escrow for field seeding and mulching of 15.16-acres of disturbed areas, final grading, seeding and mulching of ROW, and planting 9 trees in cul-de-sac for Pleasant Acres West Subdivision Part 1. (PIP #2010-01) to release to Anastasi Trucking & Paving Co., 4430 Walden Avenue, Lancaster, New York 14030, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #2 Declare Accident Damaged 2002 Chevy Pickup

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

WHEREAS, the Sewer, Water & Lighting Department has a vehicle in their inventory that is no longer in use because of the 6/19/12 accident and its condition

WHEREAS, the vehicle is a 2002 Chevrolet 1500 Pickup that was being used by the summer help. The truck is now in very poor condition after a recent collision that resulted in severe front end damage. This 2002 Chevrolet Pickup also has over 142,000 miles and is ten years old. It is not cost effective for the Town to repair and continue to run this vehicle and

WHEREAS, the Town will not recover much money for the vehicle through a sale, but should definitely take/sell the truck to a local recycling center for current scrape cost, or have a salvage company pickup the vehicle. The vehicle will be stripped of ladder rack, tires and other items of value.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby declare the Sewer, Water & Lighting Department 2002 Chevrolet Pickup (VIN#1GCEC14V72Z301081) as a surplus vehicle, and authorize the scraping of this vehicle, as recommended by the Town Engineer

The resolution was unanimously adopted.

New Business #3 Approve Purchase of 2012 Ford Truck Under State Bid

7) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR COLARUSSO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER KACZOR, TO WIT:

WHEREAS, as you know, the Sewer, Water & Lighting Department has lost the use of one of their pickup trucks due to an auto accident. This leaves the Department down one truck for the summer and

WHEREAS, we propose to purchase a new truck for the Sewer, Water and Lighting Crew Chief, use the current Crew Chief's 2006 Chevrolet Silverado 1500 Pickup Truck, as an inspector's vehicle. A current 2000 Chevrolet Inspection Pickup Truck, with 105,975 miles, will be assigned for summer maintenance work.

NOW, THEREFORE, be it

RESOLVED, that the Town Board authorize the purchase of a 2012 F-150 Ford Pickup truck under state bid contract for the amount of \$16,163.32 from Van Bortel Ford, Inc. 7325 Route 96, Victor, NY 14564 to be funded from Sewer, Water & Lighting Equipment Acquisition Account, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #4 Authorize Supervisor to Sign NYSDOT Design for Forest Dr. Bridge

8) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER KACZOR, TO WIT:

WHEREAS, the Town of Orchard Park needs to take the next procedural step to move the project forward in accordance with The "Locally Administered Federal Aid Procedures Manual", which is to authorize the Town Supervisor to sign the Design Approval Request Memo (DARM) and send a copy to the Regional Local Project Liaison (Kurt Felgemacher at NYSDOT). In doing this, we can move immediately into Right of Way Acquisition and Advanced Detail Design phases, once the NYSDOT files the DARM and the Final Design Report and

WHEREAS, however, if the Town Board chooses not to continue with the current higher bridge design due to lack of support from the Village of Orchard Park, then the Town Board must formally rescind the current Final Design Report and authorize a Lump Sum Change Order for Greenman-Pedersen Inc. (GPI) contract to scale back or lower the bridge elevation project not exceed \$44,400.00. The Town Board would need to authorize the Town Supervisor to sign the attached letter and have a copy sent to the Regional Local Project Liaison (Kurt Felgemacher at NYSDOT to rescind the current Final Design Report, and related documents. Services to be provided under this Lump Sum Change Order include the following:

- o To provide services from GPI's hydraulic sub-consultant (TVGA),

- To reiterate the preliminary design and create plans for a scaled-back bridge (that does not address the inadequate hydraulic opening),
- To attend a public information meeting, review of comments received, and coordinate with the Town of Orchard Park Engineering Department to address public comments,
- To rewrite the design report documents and submit to NYSDOT, and
- To provide, if possible, addressing NYSDOT's comments and prepare a revised Design Approval Request Memo upon NYSDOT's approval of the revised Final Design Report and related documents.

(Please be advised that if you proceed with this Change Order to scale-back or lower the bridge elevation, it will add an additional year onto the overall project schedule and may impact the project's Federal Aid Grant.)

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the Design Approval Request Memo and have a copy sent to the Regional Local Project Liaison (Kurt Felgemacher at NYSDOT) to move the Replacement Design of Forest Avenue Bridge project forward in accordance with The "Locally Administered Federal Aid Procedures Manual" and proceed with design with approach by others or minimal approach, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #5 Approve Change Order #1 With Metro Development of WNY

9) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR COLARUSSO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER KACZOR, TO WIT:

WHEREAS, the Engineering Department is requesting your approval of a Change Order to the Orchard Park Senior Center Exterior Improvements Project in the amount of \$1,625.00

WHEREAS, the Change Order is requested to perform additional work not covered under the original contract with Metro Development. The additional work involves the full removal and replacement of the main door, sidelight and frame. The handicap opener will be re-installed and the door will be painted to match all of the other new doors.

WHEREAS, the replacement of this door unit is needed since the three other door systems are being fully replaced and this is the main entrance which is starting to show signs of heavy use. The existing frame will need replacing in the future and while the Grant Funds are available this should be replaced now.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve a Change Order #1 to Metro Development of WNY, LLC 54 Bank Street, Orchard Park, New York 14127 for the Orchard Park Senior Center Exterior Improvements Project in the amount of an increase of \$1,625.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #6 Award Bid for 2012 Various Building Electrical Work

10) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR COLARUSSO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER, TO WIT:

WHEREAS, bids were solicited for various Orchard Park Electrical Improvements during April/May 2012, and

WHEREAS, the project scope of work is spread between the Municipal Center, Police Storage Barn, Jolls House and the Sewer Department. Two contractors were contacted for bids, they are Warning Electrical Services and Lackawanna Electric & Construction Company.

- Muni. Cntr. = Power for TV & Metal Detector (Warn=\$375.00 / Lac= \$440.00)
- Muni. Cntr. = Bollard Repair & 3 HPS Lights (Warn=\$1,375.00 / Lac=\$2,838.00)
- Police Barn = 30 amp Service & Remove Meter * (Warn=\$3,325.00 / Lac=\$1,444.00)
- Jolls House = Remove Meter & Tie in Panel (Warn=\$225.00 / Lac= \$1,333.00)
- Sewer Dept. = Generator Connection for 6250w (Warn=\$1,175.00 / Lac=\$1,133.00)
- **Project Totals = Warning \$6,475.00 / Lackawanna \$7,188.00**
- Scope different not to exceed quote.

WHEREAS, the low bidder for this project is Warning Electrical Services at a total cost of \$6,475.00. The second bidder was Lackawanna Electric at a cost of \$7,188.00 and

WHEREAS, the Engineering Department has worked previously with both of these contractors on similar projects in the past and they are both more than capable of completing this project.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby award the contract for the 2012 Various Buildings Electrical Improvement Project, to the lowest responsible bidder, Warning Electrical Services, 431 Olean Road, East Aurora, New York 14052 in the amount of \$6,475.00, as recommended by the Town Engineer..

The resolution was unanimously adopted.

New Business #7 Award Bid for Hydrant Replacement

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

WHEREAS, the Erie County Water Authority (ECWA) has requested that the Town repair a leaking fire hydrant located at 3565 South Benzing Road through correspondence on May 3, 2012. A scope of work was generated and four construction companies were solicited to perform the work described for which two have responded with cost estimates and

WHEREAS, the Town is required to incur the costs for such repairs or replacements of defective fire hydrants per the Town Attorney and lease management agreement between the Town of Orchard Park and ECWA and

WHEREAS, there is presently \$229,943 allocated under Capital Project H-48 "Town Wide Water Improvements" respectfully for this project and

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby award the J15-F31 Fire Hydrant Replacement (3565 South Benzing Rd.) to Fairway Construction, 5389 South Freeman Road, Orchard Park, NY 14127 in an amount not to exceed \$5,050.00.

The resolution was unanimously adopted.

New Business #8 Approve Seasonal Laborer

12) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER KACZOR, TO WIT:

RESOLVED, that the Town Board does hereby approve the appointment of Michael Fregelette to work as Seasonal Laborer, PT-1 with a rate of \$7.50 for Parks & Grounds, retroactive to June 26, 2012, as requested by Highway Superintendent, Fred Piasecki.

The resolution was unanimously adopted.

There being no further business, on motion by Supervisor Colarusso, seconded by Councilmember Majchrzak, the meeting was adjourned at 9:15 PM (local time).

Respectfully Submitted,



**Carol R. Hutton
Town Clerk**