

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 13rd day of August, 2014 at 7:00 PM, the meeting was called to order by Supervisor Keem and there were:

PRESENT AT ROLL CALL:	Patrick J. Keem	Supervisor
	Eugene Majchrzak	Councilmember
	Michael Sherry	Councilmember
	John C. Bailey	Town Attorney
	Carol Hutton	Town Clerk
	Frederick Piasecki, Jr.	Highway Superintendent
	Mark Pacholec	Chief of Police
Absent	Wayne Bieler	Town Engineer
	Andrew Geist	Building Inspector

Supervisor Keem read into the record the following: "If anyone appearing before the Town Board has a family, financial or business relationship with any member of the Board, it is incumbent upon that person to make it known under State Law and the Town Code of Ethics."

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

RESOLVED, that the Regular Town Board Meeting Minutes held on July 16, 2014, and the Special Session Meeting Minutes held on July 23 & August 6, 2014 and Executive Session Meeting Minutes held on July 16 & 23, 2014 are hereby approved and be it further

RESOLVED, that the reading of these minutes be dispensed with as each member of the Town Board has previously received copies thereof.

The resolution was unanimously adopted.

New Business #1 Part time 2014 Summer Seasonal Appointments to Recreation Department

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

RESOLVED, that the Town Board does hereby authorize the following part time summer seasonal appointments to the staff of the Recreation Department, as recommended by the Recreation Director. These appointments are retro-active as of August 6, 2014.

<u>Name</u>	<u>Address</u>	<u>Rate</u> <u>Position (Title)</u>
Kevin Gonser	38 Bittersweet Lane	\$8.50 PT1-E (LG)
Liam Reed	61 Rolling Hills	\$8.50 PT1-E (LG)

The above appointments are dependent upon the applicants providing the required certifications.

The resolution was unanimously adopted.

New Business #2 Authorize Supervisor to Sign Contract for Professional Services

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

WHEREAS, the Town has received three proposals for mechanical & electrical design services for the 2014 Municipal Building Repairs Project. The firms are Buffalo Engineering P.C., Critoph Engineering and Wendel. This work would involve various mechanical evaluation, design and also electrical design. The design and construction documents will be based on the preliminary scope of work developed by the Engineering Department with input from the various departments and the Town Board capital Projects meeting.

The three proposals are as follows:

- | | |
|-----------------------------|-------------|
| 1. Buffalo Engineering P.C. | \$14,600.00 |
| 2. Critoph Engineering | \$16,400.00 |
| 3. Wendel | \$42,600.00 |

WHEREAS, the Town Engineer has met with representatives of the firm to review contract language, define a scope of services and negotiate an appropriate fee structure. The Town Engineer does believe that the proposed scope of services and agreement with Buffalo Engineering P.C. is more than satisfactory and will accomplish the goals of the project as set forth by the Town. The work has been organized into three major work priorities. Priority #1 will be \$4,200.00, priority #2 is \$9,400.00 and priority #3 is proposed at \$1,000.00. The Engineering Department will handle all project administration and the bidding process, including copies of the plans and specifications.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with Buffalo Engineering P.C. 4245 Union Road, Suite 204, Buffalo, New York 14225 to provide professional services for evaluation, design and construction documents for the 2014 Municipal Building Repairs (mechanical & electrical) in the amount not to exceed \$14,600.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #3 Authorize Final Change Order & Final Payment for Hydrant Replacement

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

WHEREAS, the Town Engineer is pleased to inform the Town Board that fire hydrant replacements at 6274 Cole Road and 6091 Benning Road were completed on July 22, 2014 and July 23, 2014 respectfully. The work was performed in accordance with the Town and ECWA construction standards, and

WHEREAS, the change order was needed to perform the additional work not covered under their contract that involves the removal and replacement of the existing water main ductile iron tee at Cole Road. Once the fire hydrant was excavated for replacement, it was determined that the existing valve was a mechanical joint by flange fitting to the existing tee. This configuration can no longer be used, resulting in the need for mechanical connections per the Town and Erie County Water Authority standards, and

WHEREAS, the Final Change Order represents an increase of \$690.65 or 4.86% from the original lump sum amount bid. Capital Account H-48 "Town Wide Water Improvements" currently has funding to cover the cost.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the final change order and final payment amount to our contract with Fairway Contracting for the Fire Hydrant Replacements K18-H58 at 6274 Cole Road and L18-E85 at 6091 Benning Road in the amount of \$14,892.70, as recommended by the Town Engineer.

The resolution was duly adopted.

New Business #4 Authorize Final Change Order & Final Payment for Hydrant Replacement

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

WHEREAS, the Town Engineer is pleased to inform the Town Board that fire hydrant replacement at 12 Briar Hill Road was completed on June 23, 2014. The work was performed in accordance with the Town and ECWA construction standards, and

WHEREAS, the change order was needed to perform the additional work not covered under their contract that involves the removal and replacement of the existing water main ductile iron tee. Once the fire hydrant was excavated for replacement, it was determined that the existing valve was a mechanical joint by flange fitting to the existing tee. This configuration can no longer be used, resulting in the need for mechanical connections per the Town and Erie County Water Authority standards, and

WHEREAS, the Final Change Order represents an increase of \$690.65 or 10.57% from the original lump sum amount bid. Capital Account H-48 "Town Wide Water Improvements" currently has funding to cover the cost.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the final change order and final payment amount to our contract with Fairway Contracting for the Fire Hydrant Replacement K17-D63b at 12 Briar Hill Road in the amount of \$7,222.10, as recommended by the Town Engineer.

The resolution was duly adopted.

New Business #5 Award Contract for 2014 Municipal Building Repairs (General) Project

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

WHEREAS, Bids were opened for the Municipal Building Repairs Project on August 11, 2014, and

WHEREAS, the project was bid with a base bid, two alternate bids and three unit prices for wood replacement, which allowed the Town flexibility on the final scope and cost of the project. The alternates included installation and painting of composite trim for the eleven exterior court windows. The second alternate was for installation of drain tile and a sump system for the west basement wall of the municipal building, and

WHEREAS, the Engineering Department has reviewed the alternate bids and unit prices of the five contractors who submitted bids. The lowest bidder Landmark Construction made gross math errors (\$117,999.00 error) and interpreted the scope of work incorrectly (unit prices). The Town Engineer does recommend and the president of Landmark Construction has also requested to have his bid thrown out. Once Landmark Construction is removed from the tabulation list then Telco Construction becomes the lowest responsible bidder, and

WHEREAS, the lowest bid for the base bid = \$237,970.00 (entire scope – painting, floors, block offices, trim, doors, stairs, etc.), Alternate 1 = \$6,970.00 (composite trim for the courtroom windows), Alternate 2 = \$12,700.00 (drain tile & sump in the basement), plus \$17.00/SF of window wood replacement, \$14.00/SF of canopy wood replacement and \$14.00/SF of frieze board wood replacement. The total of these items equals \$262,140.00 and the actual costs may be lower depending on the amount of damaged/rotten wood found, if any. Any combination or selection of alternates would not change the low bidder, and

WHEREAS, there is an extended tabulation of bid results showing the bid amounts of each contractor, unit prices for damaged/rotten wood replacement, as well as a summary totaling alternate 1 and 2 for each contractor, and

WHEREAS, the low bidder was Telco Construction, Inc. The Company has been in business since 1985 and has successfully completed many similar projects of various sizes and scopes. The company has been found to have the qualifications and experience to perform this work adequately. The Town Engineer has no reservations about their capabilities, and

WHEREAS, the Town has appropriated funding for the Municipal Building Repairs Project under Capital Project #H14 “Municipal Building Reserve”.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby award the contract for the Municipal Building Repairs Project, including alternates 1 & 2 to the lowest responsible bidder, Telco Construction, Inc., 500 Buffalo Road, East Aurora, New York 14052 in the amount not to exceed \$262,140.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #6 Authorize NYSEG to connect five Decorative Lights for Lyrica Park CMO

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

WHEREAS, the Engineering Department has received a proposal from NYSEG for the connection of two (2) decorative street light fixtures on Sonnet Drive and three (3) decorative street light fixtures on Concerto Court in the Lyrica Park Subdivision, and

WHEREAS, the 70-watt H.P.S. luminaires, which are owned by the Town, were installed with the installation of decorative street light poles under PIP # 2013-04. NYSEG will maintain the bulbs, and the electric eye of the luminaires. The supply of electricity is not included in the price as the Town purchases their electricity from another supplier which is estimated to be \$42.03/ea. for an annual cost of \$210.15 (5). The proposal is for a total of five (5) luminaries to be connected at an annual charge of \$23.13 each, totaling annually \$115.68. NYSEG will provide new estimate sheets as new rates become available.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize NYSEG to connect a total of five (5) 70-watt high-pressure decorative light fixtures in the Lyrica Park Subdivision under Service Class 2 at an annual increased cost of \$115.68 to the Consolidated Light District in accordance with the NYSEG proposal. Energy will be an additional (+/- \$210.15/yr.), as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #7 Authorize NYSEG to connect one Decorative Light for Holly Ridge Subdivision

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

WHEREAS, the Town has received a proposal from NYSEG for the connection of one (1) spun aluminum decorative standard street light fixture, on Evergreen Trail in the Holly Ridge Subdivision. The street light was added at the request of residents, and

WHEREAS, the 70-watt H.P.S. luminaire, spun aluminum decorative standard street light base and pole is owned and installed by the Town. NYSEG will maintain the bulbs, and the electric eye of the luminaires. The supply of electricity is not included in the price as the Town purchases their electricity from another supplier which is estimated to be \$42.03/ea. for an annual cost of \$42.03 (1). The proposal is for the connection of one (1) luminaire at an annual charge of \$23.14; totaling annually \$23.14. NYSEG will provide new estimate sheets as new rates become available.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize NYSEG to connect a total of one (1) 70-watt high-pressure sodium spun aluminum decorative standard light fixture in the Holly Ridge Subdivision at an annual increased cost of \$23.14 to the Consolidated Light District in accordance with NYSEG proposal. Energy will be an additional (+/- \$42.03/yr.), as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business # 8 Approve Traffic Order for Lyrica Park CMO, Sonnet Drive

9) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER SHERRY, TO WIT

WHEREAS, that the Police Chief, Highway Superintendent and the Town Engineer has reviewed the street layout for the above referenced subdivision phase and pursuant to the authority granted by §1600 of the Vehicle and Traffic Law of the State of New York

NOW, THEREFORE, it is hereby

ORDERED, the posting of a "STOP SIGN" on Concerto Court at the intersection of Sonnet Drive, and be it further

ORDERED, that the Superintendent of Highways be and is hereby directed to post the proper and necessary sign at said location.

The resolution was unanimously adopted.

New Business # 9 Authorize Supervisor to Sign Supplemental Agreement No. 2, Forest Dr. Bridge

10) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER SHERRY, TO WIT

RESOLVED, as discussed, the State of New York Department of Transportation has officially approved a Supplemental Agreement to the Town's Project Application for the Forest Drive Bridge Replacement Project for additional funds for the construction & construction inspection phase. The additional funds are in the amount of \$208,000, which approximates the current Non-Federal share (\$207,400).

RESOLVED, that the Town Board does hereby authorize the Supervisor and Town Attorney to execute (all necessary) contract items for the Federal-Aid Highway and Supplemental Agreement No. 2 to the Marchiselli-Aid Local Project Agreement # D032478 with New York State Department of Transportation for the Forest Drive Bridge Replacement Project, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business # 10 Appointment of Orchard Park Police Officer

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

RESOLVED, that the Town board does hereby approve the appointment of Michael S. Mackey to the position of Police Officer (Probationary) in the Orchard Park Police Department, Step A, effective August 14th 2014 at the salary of \$43,881.

The resolution was unanimously adopted.

Chief Pacholec swore in Officer Mackey, presented him with his badge and introduced him to the audience.

New Business # 11 Memorandum of Understanding with the Collective Bargaining Agreement

12) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER SHERRY, TO WIT

WHEREAS, the Town of Orchard Park entered into a Collective Bargaining Agreement with the Orchard Park Police Benevolent Association dated February 21st, 2012, and

WHEREAS, the parties to that Collective Bargaining Agreement wish to amend the same by Memorandum of Understanding to create a new temporary assignment of a "Directed Patrol Officer", and

WHEREAS, the duties, responsibilities, in terms of assignment and employment have been agreed by the parties and memorialized in Memorandum in Understanding that has already been ratified by the Orchard Park Police Benevolent Association,

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Orchard Park is authorized to execute the Memorandum of Understanding as negotiated and ratified by the Orchard Park Police Benevolent Association, and be it further

RESOLVED, the Chief of Police for the Town of Orchard Park is directed to develop this new temporary assignment and staff the same as agreed under that Memorandum of Understanding.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Jacqueline Briggs – Ms. Briggs, along with many seniors, thanked the Town Board for moving ahead with the plans for a Community Activities Center. This will help the seniors immensely.

ELECTED OFFICIALS & DEPARTMENT HEADS

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

RESOLVED, that the Town Board does hereby authorize the following budget transfer:

From:	PS.1110.0445 – Public Safety Equipment Maintenance	\$150.00
To:	PS.1110.0449 – Public Safety – Court Reporter	\$150.00

Reason: Debit in Account

The resolution was unanimously adopted.

14) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER SHERRY, TO WIT:

RESOLVED, that the Town Board does hereby authorize the following budget transfer:

From:	A.1910.0480	Contingent	\$7,566.18
To:	A.8760.0446	Emergency Management	
		Contracted Repair & Maintenance	\$7,566.18

Reason: To put CodeRED maintenance in place it is necessary to transfer funds from the Contingent Budget line into the Emergency Management budget. CodeRED was not budgeted for in 2014.

The resolution was unanimously adopted.

Supervisor Keem – He stated that he attended the open house of the new Buffalo Medical Group Facility on North Buffalo Road, which is an amazing building and a great asset to the community. He thanked the everyone in Town government for taking care of business while he was on vacation.

Police Chief Pacholec – He stated that CodeRED implementation is going forward, which will tie in with the Buffalo Bills games on August 23rd and August 28th. Traffic will be restricted on Big Tree Road for two hours after the games.

Highway Superintendent Piasecki – He reported that the paving has been completed on Breem Street and the paving of Hillsboro Drive, Hidden Meadow and Dennis Road to be finished at the end of August.

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

RESOLVED, that the Town Board does hereby authorize the approval of all entries on Warrant #15A following auditing by members of the Town Board and in the funds indicated:

General Fund	\$42,731.833
Public Safety Fund	\$3,242.96
Part Town Fund	\$1,006.53
Risk Retention	\$0.00
Cemetery Fund	0.00
Highway Fund	\$50,871.50
Special Districts	\$37,883.34
Trust & Agency	\$1,505.81
Capital Fund	\$37,093.57

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby receive and file the following:

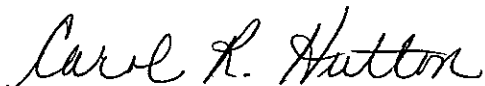
Reports

- Building Inspector's Monthly Report for July 2014

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Majchrzak, the meeting adjourned at 7:26 pm (local time).

Respectfully Submitted,



**Carol R. Hutton
Town Clerk**