

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 6th day of December at 7:00 PM, in the Supervisor's Conference Room. The meeting was called to order by the Supervisor and there were:

PRESENT AT ROLL CALL:

- | | |
|-------------------------|------------------------|
| Janis Colarusso | Supervisor |
| Nancy Ackerman | Councilwoman |
| Edward Graber | Councilman |
| David Kaczor | Councilman |
| Eugene Majchrzak | Councilman |
| Carol Hutton | Town Clerk |
| Leonard Berkowitz | Town Attorney |
| Andrew Benz | Chief of Police |
| Frederick Piasecki, Jr. | Highway Superintendent |
| Wayne Bieler | Town Engineer |
| Absent | Andrew Geist |
| | Building Inspector |

Supervisor Colarusso 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."

New Business #1 Approve appt. Dan Neaverth, Jr. to NYS Emergency Managers Association

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

RESOLVED, that the Town Board does hereby endorse Orchard Park's membership to the New York State Emergency Managers Association (NYSEMA) and for Dan Neaverth Jr. to represent the Town . All expenses will be paid by the Orchard Park Fire District. NYSEMA are Emergency Members through the 10 Counties of the Western Region, and the purpose of these meetings is to bring together first responders from State, Federal and Local Agencies for discussion for all problems that may occur from disasters manmade and natural.

The resolution was unanimously adopted.

New Business #2 Authorize Supervisor to sign Agreement

2) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN ACKERMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MAJCHRZAK, TO WIT:

WHEREAS, the Town of Orchard Park has received the Federal Authorization of funds in the amount of \$80,000 for preliminary design and \$20,000 for Right-of-Way incidentals, both authorized with local matching funds (15% maximum), and

WHEREAS, once the Town has completed the subject project's Federal Preliminary Engineering (Design I-IV) and Right-of-way incidentals phases and received Design Approval, the NYSDOT will require the Town of Orchard Park to execute supplemental Agreements and Resolutions, first to implement the projects Preliminary Engineering (Design V & VI) and Right-of-Way Acquisition phases and finally for its Construction and Construction Inspection phases, and



WHEREAS, the Forest Drive Bridge Replacement Project is estimated at \$880,000. The Federal share will equal \$704,000 (80%) and the Non-Federal share is \$176,000 (20%). The Grant required the Town, by means of resolution, commit to administer and pay 100% of the costs for preliminary engineering and right-of-way incidentals equaling \$100,000. The State may reimburse the Town portion, up to 15% of the \$100,000 in the following year, if State Marchiselli Aid funding is awarded towards the project. As the project progresses, the Federal share 80% of the cost of the subject projects Preliminary Engineering and right-of-way incidental phases, which currently equals \$80,000, will be reimbursed, and

WHEREAS, after review of the qualifications submitted, the consultant selection committee decided to request additional information, meet on defining the scope and request a fee proposal from one firm. Consultant selection was based on the qualifications demonstrated in written and related work references, and

WHEREAS, the committee selected the engineering firm of Abate Associates Engineers & Surveyors, P.C. to be the Town's consultant for the Bridge & Culvert Inventory and Condition Study and Forest Avenue Bridge Replacement. The Town Engineers again met with representatives of that firm to review contract language to meet Federal grant requirements, refined the scope of services to determine, in advance, the need for additional services, optional service elements, which may be required, are identified in this contract, and

WHEREAS, the proposed scope of services and agreement by Abate Associates Engineering & Surveyors P.C. is satisfactory and will accomplish the goals of the project that were set forth by the Town and required by the Federal Funding Program. The work has been organized into thirteen major elements, with a lump sum fee. As discussed at the Town Board's work session meeting the scope will include the Preliminary Design, Final Design, Bidding and Award, and General Service per Federal requirements for the Reconstruction of Forest Ave Bridge for a cost of \$197,995.00, and

WHEREAS, there is presently \$69,792 plus interest allocated under Capital Project H-03, Bridge Inventory & Condition Study and \$553,211.72 plus interest allocated under Capital Project H-68, Forest Avenue Bridge Replacement for the remaining portion,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with Abate Associates Engineers & Surveyors, P.C., 4455 Genesee Street, Buffalo, New York, 14225, to provide professional services for the federal funded requirements for Forest Avenue Bridge Replacement, including the required Design and Construction Project Documents in an amount not to exceed \$197,995.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #3 Approve Change Order #3 with Fairway Contracting, Inc.

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

WHEREAS, the Engineering Department is requesting your approval of a Change Order to the contract with Fairway Contracting for the 2007 Utility Improvements Project in the amount of \$2,409.00. If approved, this would increase the total contract amount to \$298,662.00, representing an increase of 0.81%, and



WHEREAS, this Change Order is requested to perform additional work not covered under their contract. The additional work involves the extension of the electrical service to the new pump station and the removal and replacement of an existing Drop Inlet, near the Sewer and Lighting / Parks Building, and

WHEREAS, currently, the capital project account H-05 "Highway Building Repair and Expansion" has sufficient funds to cover this cost.

NOW, THEREFORE, be it,

RESOLVED, that the Town Board does hereby approve Change Order #3 to our contract with Fairway Contracting for the 2007 Utility Improvements Project Highway Garage Utility Improvements, Compost Waterline Extension & Hydrant and Yates Park Waterline in the amount not to exceed \$2,409.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #4 Approve first step pay increase for Assistant Municipal Engineer

4) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN ACKERMAN, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR COLARUSSO, TO WIT:

WHEREAS, at the December 3, 2008 Town Board Meeting, the Town Board approved the appointment of Thomas Ostrander to the position of Assistant Municipal Engineer off an open competitive examination and Civil Service List.

WHEREAS, an Assistant Municipal Engineer must be a graduate from a regionally accredited or NYS registered college or university with a Bachelor Degree in Engineering and three years of experience in engineering, one year of which must be in a supervisory capacity, and

WHEREAS, Mr. Ostrander has fourteen years experience in Civil Engineering related work in the private sector and an additional six years in the management and completion of various projects in this Department since April 1, 2004 as the Junior Engineer/ Asst. Municipal Engineer. Throughout his six-years of service with the Town, Thomas Ostrander has proven to be a dedicated and dependable employee, and

WHEREAS, although all positions have five steps with four yearly step increases, this non-union position has not received a step increase to date. Through the budget discussion with the Supervisor and Wayne Drescher funding has been appropriated in the 2011 Budget. Tom Ostrander's 2011 proposed NU Classification JC31B salary is \$65,251.29 with the proposed step increase the NU Classification salary would be JC31C \$67,208.83,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve the first step increase in the civil service classification of Assistant Municipal Engineer for Mr. Thomas Ostrander, 16 Hazel Court, West Seneca, NY 14224, to Job Class JC31C salary, Step 2 of non-union wage schedule effective January 1, 2011, as recommended by the Town Engineer.

The resolution was unanimously adopted.



Budget Transfers

5) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR COLARUSSO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN GRABER, TO WIT:

RESOLVED, that the Town Board does hereby authorize the following Budget Transfers:

Control of Animals

\$700.00 From: A.3510.0200 – Truck/Furniture
To: A.3510.0419 – Other Expenses

Police Department

\$6,000.00 From: A.3120.000.475 – Gasoline
To: A.3120.000.225 – Other Equipment

Engineering Department

\$300.00 From: A.1440.414 – Inspector Training
To: A.1440.445 – Vehicle Maintenance

Highway Department

\$3,534.00 From: DA.5110.0472 Supt. Hwy Stone Grave
To: DA.5130.0200 Supt. Hwy Machinery Equipment
\$43,000.00 From: DA.5110.0472 Supt. Hwy Stone Gravel
To: DA.5142.0402 Supt. Hwy – Snow Supplies

The resolution was unanimously adopted.

6) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR COLARUSSO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN ACKERMAN, TO WIT:

RESOLVED, that the work session on December 22, 2010 is hereby cancelled due to the Christmas Holiday week.

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby authorize the approval of all entries on Warrant #23 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$1,073,388.55
Part Town Fund	\$52,718.03
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$153,068.92
Special Districts	\$39,856.78
Trust & Agency	\$1,325.79
Capital Fund	\$0.00

The resolution was unanimously adopted.



There being no further business, on motion by Supervisor Colarusso, seconded by Councilman Majchrzak, the meeting was adjourned at 6:28 PM (local time).

Respectfully Submitted,

Carol R. Hutton

**Carol R. Hutton
Town Clerk**



An Executive Session was called by the Town Board of the Town of Orchard Park, Erie County, New York, held at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park, New York on the 15th day of December 2010 at 5:00 PM, (local time) and there were:

PRESENT:	Janis Colarusso	Supervisor
	David M. Kaczor	Councilman
	Eugene Majchrzak	Councilman
	Leonard Berkowitz	Town Attorney

Absent	Nan Ackerman	Councilwoman
Interviewed	Edward Graber	Councilman

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


RESOLVED, that the Town Board does hereby call for a Executive Session Meeting, December 15, 2010 at 5:00 p.m. to interview the following candidates for the Orchard Park Town Justice position that will be vacated on December 31, 2010, and discussed land acquisition.

- The following were interviewed:
Philip M. Marshall
Dominic P. Candino
Lynn M. Keane
Stephen N. Bray
Edward Graber
- There was also discussion on land acquisition and grant monies for the Saville property off Webster Road.

The resolution was unanimously adopted.

There being no further business, on a motion by Councilman Majchrzak, seconded by Councilman Kaczor, to wit: the meeting adjourned at 6:50 PM (local time).

Respectfully Submitted


Janis Colarusso
Supervisor

