

TC

RESOLVED, THAT the Town Board hereby adopts Local Law #5 amending Chapter 144 "Zoning" Section 144-75 "North Buffalo Road and South Buffalo Street/Ellicott Road Architectural Overlay District" which can be found on file in the Town Clerk's Office.

TC



# TOWN OF ORCHARD PARK

## ENGINEERING DEPARTMENT

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

**Phone:** (716) 662-6425  
**Fax:** (716) 662-6488  
**Email:** [openg@orchardparkny.org](mailto:openg@orchardparkny.org)

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

August 30, 2019

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

**Re: Proposed Change Orders – #6 IPL, #5 Numarco, & #6 DV Brown  
Brush Mountain Community Activity Center  
Kitchen Equipment Installation**

Dear Board Members:

As you are aware from our weekly progress meetings, the Engineering Department has been working with Wendel and the user groups to finalize and order kitchen equipment. The prime contractors on the C.A.C. have been solicited to provide a cost to install the equipment as supplied by Buffalo Hotel Supply. IPL, Numarco, and DV Brown have all returned a no cost estimate to install the equipment.

Therefore, I recommend you approve the following three resolutions;

- 1) Approve the no cost change order #6 to our contract with Industrial Power & Lighting Corporation 60 Depot St, Buffalo, NY 14206, for the installation of the kitchen equipment.
- 2) Approve the no cost change order #5 to our contract with Numarco, Inc., 1021 Maple Road, Elma, New York 14059, for the installation of the kitchen equipment.
- 3) Approve the no cost change order #6 to our contract with DV Brown & Assoc. Inc., 567 Vickers Street, Tonawanda, New York 14150, for the installation of the kitchen equipment.

Respectfully submitted,

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

### Attachments

cc: Town Clerk, Town Attorney,  
Drescher & Malecki, Wendel  
File #15.007



# TOWN OF ORCHARD PARK

## ENGINEERING DEPARTMENT

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

**Phone:** (716) 662-6425  
**Fax:** (716) 662-6488  
**Email:** [openg@orchardparkny.org](mailto:openg@orchardparkny.org)

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

August 29, 2019

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

**Re: Proposed Change Order #10  
Javen General Contract – Multiple Change Orders  
Brush Mountain Community Activity Center**

Dear Board Members:

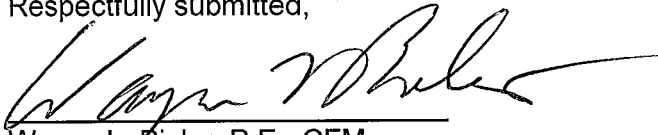
As discussed in previous work sessions and in the weekly progress meetings, with the rapid succession of construction trades progressing work for the Community Activity Center, a number of items have been brought forward to not only enhance the quality of the project but also to keep the project schedule. The following items have been proposed by the general contractor, and recommended by Wendel and O.P. Engineering;

- 1) Credit for Surplus Unit Price Bid Items – In developing the bid documents for the project, a broad set of assumptions were utilized in calculating the unit quantities for bid Alternate #11 (Onsite stockpiled material used for filling). With the completion of the filling operations a topographic survey was completed and final quantities of material placed were determined. The results of the survey concluded that 8,544CY of material was not required to be placed. The total credit to be received from the adjustment of quantities of these bid items is \$85,440.00.
- 2) Hardware Cost Adjustment – During the submittal phase of the project, a complication arose between the doors and their specified hardware per the contract. The Specified hardware sets were incompatible with certain door styles, resulting in different materials having to be ordered through other suppliers. Also, during the keying conferences had with the Engineering, Police, IT, and Maintenance Departments a request was made to have the center's interior doors lockable from within the rooms for safety and lockdown purposes. A revision also had to be made to the plans to add a doorway that will allow access into space unfinished by alternates #9 and #10. The total cost of the hardware revisions are proposed to be \$27,849.48.
- 3) Kitchen Equipment Installation – As previously discussed, a proposal has been received from Buffalo Hotel Supply to purchase the necessary kitchen equipment for the center. Some of the equipment will require a dividing wall be added into the kitchen between the food prep and stovetop cooking area. Javen has submitted a cost of \$2,127.24.
- 4) Phenolic Panel/Stone Veneer Trims & Caulks – Due to unspecified sealants and finishing techniques, a more detailed scope of work to seal the exterior finishes had to be established. Wendel's Architect and Javen have developed a solution to properly seal the different exterior materials and provide a weather tight building. The additional flashings and caulking involved resulted in a request from Javen in the amount of \$11,318.53.

If all items are accepted and approved, this change order will result in a net credit to the project of \$44,144.75. This will decrease Javen's total contract to \$12,656,321.12 representing a 0.35 % decrease.

I, therefore, recommend that you approve change order #10 to our contract with Javen Construction Co., Inc., 2575 Baird Road, Penfield, NY 14526 for the adjustment of bid item quantities, hardware cost adjustment, kitchen equipment installation, and phenolic panel/stone veneer sealants for a total net credit of \$44,144.75 for the Brush Mountain Community Activity Center Project.

Respectfully submitted,



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

Attachments

cc: Town Clerk                      T. Malecki, Drescher & Malecki  
Town Attorney                      Wendel                      File #15.007

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## PROPOSED RESOLUTION

WHEREAS a Petition for the submission of a proposition, hereinafter described, was filed in the Office of the Town Clerk of the Town of Orchard Park on the 26th day of August, 2019 subscribed and authenticated pursuant to law by electors of said town qualified to vote upon said proposition, said electors equal in numbers, to at least 5% of the total votes cast for Governor in said town at the last general election held for election of State Officers and

WHEREAS, the aforesaid Petition called for voters of the Town of Orchard Park to vote on a proposition to increase representation of the Town Board from 2 council members to 4 council members in the Town of Orchard Park, New York, such that the Orchard Park Town Board shall be comprised of the Supervisor and 4 council members beginning on January 1, 2022 and;

NOW, THEREFORE, be it resolved as follows:

1. That a special election of the residents and tax payers of the Town of Orchard Park is hereby authorized and direct to be held on the 5th day of November, 2019 between the hours of 6:00 a.m. and 9:00 p.m. for the purpose of voting by ballot on such proposition.
2. The polling places at such election are hereby designated to be those polling places utilized at the general election in the Town of Orchard Park which shall be held on the same date as this election.
3. The Town Clerk is hereby ordered and directed to give notice of such election by publication thereof in the Orchard Park Bee, such publication to be at least ten (10) days prior to the date of such special election, and by posting on a sign board of the Town a copy of such notice at least ten (10) days prior to the date of such special election.
4. The notice of such special election shall be in substantially the form set forth in Exhibit 1 attached hereto and made a part hereof.
5. Local personal registration for the purpose of voting by ballot on such proposition is hereby set for the 1st day of October, 2019, between the hours of 11:00 a.m. and 4:30 p.m. Such registration shall be held at the Orchard Park Town Hall at 4295 S. Buffalo Street, Orchard Park, New York and the Town Clerk is hereby ordered and directed to give notice of such personal registration by publication thereof and posting thereof as required by law. Those so registering shall be added to the roll of those personally registered as the same is maintained by the Erie County Board of Elections so as to qualify as an elector for the purpose of this special election.

6. The Town Clerk is hereby ordered and directed to contact and make necessary arrangements with the Erie County Board of Elections for the purpose of bi-partisan selection designation of qualified election inspectors and ballot clerks and for the aforesaid local personal registration and for the purpose of provision of voting machines and/or ballots in sufficient quantity for use at such special election and to prepare for the use of the election officers the necessary oaths and certificates of election and to procure and deliver to such election officers any and all necessary paraphernalia for the proper conduct of such election.

7. This resolution shall take effect immediately.

## **EXHIBIT 1**

### **NOTICE OF SPECIAL ELECTION**

Notice is hereby given that a special election of the residents and taxpayers of the Town of Orchard Park, County of Erie, New York, will be held in said Town on the 5th day of November 2019, at which the polls will be kept open between the hours of 6:00 a.m. and 9:00 p.m. for the purpose of voting by ballot upon the following proposition:

Shall the representation of the Town Board be increased from two (2) council members to four (4) council members in the Town of Orchard Park, New York, such that the Orchard Park Town Board shall be comprised of the Supervisor and four (4) council members beginning on January 1, 2022.

The polling places at such election will be those polling places utilized in the general election for the State of New York to be held on the above referenced date.

All electors of the Town of Orchard Park as shown by the roll of the same established by the Erie County Board of Elections for the purposes hereof shall be qualified to vote at such special election and upon such proposition.

## Town of Orchard Park Abstract of Proposition

### **Statement of Proposition:**

The purpose of the proposition stated on the ballot is to consider an increase of the present representation on the Town Board which now consists of two (2) town council members and the supervisor by the election of two (2) additional town council members so that the Town Board would then consist of four (4) council members and the Town Supervisor.

### **Impact:**

A special election in 2009 established the composition of the Town Board of the Town of Orchard Park, as consisting of a Town Supervisor and two (2) town council members. Passage of the proposed proposition would increase the representation on the Town Board so that the Town Board would consist, of four (4) council members and the Town Supervisor.

### **Effect:**

**A "no" vote** would leave the composition of the Town Board as it presently stands to consist of two (2) town council members and the Town Supervisor.

**A "yes" vote** would result in the increase of two (2) town council members, resulting in the composition of the Town Board being increased to consist of four (4) council members and the Town Supervisor.

Therefore, at the biennial town election to be held November 2021, three (3) town council members would be elected and the Town Board would consist of the Town Supervisor and four (4) town council members elected in November 2021,

At the next biennial town election, three (3) town council members will be elected, one for a term of two (2) years and two (2) for a term of four (4) years and thereafter, at each biennial election there shall be elected two (2) town council members for a term of four (4) years.



**RESOLUTION**

**WHEREAS**, the Orchard Park Police Department has an opening for a Police Officer on its staff, and

**WHEREAS**, upon recommendation of Police Chief E. Joseph Wehrfritz, the Town Board of Orchard Park wishes to appoint Christopher P. Climenhaga to the position of Police Officer in the Orchard Park Police Department, Step A, effective September 16, 2019, at the salary of \$72,320.00

**NOW, THEREFORE, BE IT RESOLVED** that:

- 1) Christopher P. Climenhaga is hereby appointed to the position of Police Officer in the Orchard Park Police Department, and
- 2) Mr. Climenhaga's start date will be September 16, 2019, and
- 3) Mr. Climenhaga's salary will be \$72,320.00, Step A.

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**RESOLUTION**

**WHEREAS**, the Orchard Park Police Department has an opening for a Police Officer on its staff, and

**WHEREAS**, upon recommendation of Police Chief E. Joseph Wehrfritz, the Town Board of Orchard Park wishes to appoint Christopher S. Tornabene to the position of Police Officer in the Orchard Park Police Department, Step A, effective September 17, 2019, at the salary of \$72,320.00

**NOW, THEREFORE, BE IT RESOLVED** that:

- 1) Christopher S. Tornabene is hereby appointed to the position of Police Officer in the Orchard Park Police Department, and
- 2) Mr. Tornabene's start date will be September 17, 2019, and
- 3) Mr. Tornabene's salary will be \$72,320.00, Step A.

TC

RESOLVED, THAT Michelle Bouton is re-appointed to the Board of Assessment Review for a term ending on September 30, 2014.

TC

WHEREAS, the North and South Buffalo Architectural Overlay District committee has a vacancy,  
and

WHEREAS, Peter Krog II, has expressed an interest in serving on the North and South Buffalo  
Architectural Overlay District committee

THEREFORE, NOW BE IT RESOLVED that

Peter Krog II, 5625 Benning Road, Town of Orchard Park, is appointed to the North and South  
Buffalo Architectural Overlay District committee with a term to expire on December 31, 2022.

TC



# TOWN OF ORCHARD PARK RECREATION DEPARTMENT

200 North Lake Drive Orchard Park, New York 14127-2609  
 (716) 662-6450 Fax: (716) 209-0210  
 E-Mail: [oprec@orchardparkny.org](mailto:oprec@orchardparkny.org)  
 Website: [www.orchardparkny.org](http://www.orchardparkny.org)

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9/4/19

To: Town Board  
 From: Ed Leak  
 Director of Recreation

I respectfully submit the following for appointment to the staff of the Town of Orchard Park Recreation Department fall, winter, spring 2019/ 2020. *Please note many have rate changes from the summer.*

**RE: Item 1 (2019/2020 fall, winter, spring Seasonal part time Staff Appointments effective 9/1/19)**

<u>Name</u>	<u>Rate Position (Title*)</u>
Abriana Will	\$13.00 PT5-C (Lg)
Lincoln Roza	\$12.50 PT5-A (Lg)
Jessica Gifford	\$15.00 PT6-D (ATT)

Note: The above appointment is dependent upon the applicant providing the required certifications.

\*Att=Attendant

\*LG= Lifeguard

Recreation Director: Ed Leak

Assistant Recreation Director: Kristin Santillo

Recreation Assistant: Jenni Carter

# AGREEMENT

**TO:** Town of Orchard Park

**DATE:** 8/7/2018

**RE: Personnel Policy, Town Code & Rules & Regulations**

**SCOPE OF WORK:** This arrangement between Human Resources Simplified (referred to as HRS) and the Town of Orchard Park (referred to as the client) is a project agreement.

- Review Town Personnel Policy Manual. Update, writing policies as necessary.
- Compare Town Personnel Policy Manual, Town Code and Police Rules & Regulations.
- Identify areas in conflict between Personnel Policy, Town Code and Police Rules & Regulations.
- Working with the Police Chief, determine appropriate policy and/or rule when there is a conflict between Town Personnel Policy, Town Code and Police Rules & Regulations.
- Meet with Department Managers as necessary to determine appropriate policy changes.
- Rewrite Town Code, Police Rules & Regulations (that do not require negotiations) and Personnel Policy Manual, as appropriate so they are aligned.
- Provide training as necessary for policy changes.

## **PHASE I - \$8500**

- Review personnel policy; identify omissions, ambiguity and compliance issues. Update, writing policies as necessary.
- Compare Town Personnel Policy Manual, Town Code and Police Rules & Regulations.
- Identify areas in conflict between Personnel Policy, Town Code and Police Rules & Regulations.



**PHASE II - \$4475**

- Working with the Police Chief, determine appropriate policy and/or rule when there is a conflict between Town Personnel Policy, Town Code and Police Rules & Regulations.
- Meet with Department Managers as necessary to determine appropriate policy changes.

**PHASE III - \$4550**

- Rewrite Town Code, Police Rules & Regulations (that do not require negotiations) and Personnel Policy Manual, as appropriate so they are aligned.
- Provide training as necessary for policy changes.

**START DATE:** August 19, 2019

**END DATE:** March 31, 2020

Progress on this project will be dependent on availability of employees and responses to inquiries.

**PAYMENT:** HRS will provide billing upon the completion of each phase. Phase I is anticipated to be completed and billed in 2019. Phase II and III will be completed in 2020 and billed upon completion of each phase.

**TERMINATION:** A two-week notice is requested if the client desires to terminate the relationship. All services will cease at the end of the two-week notice period and all completed work at time of notice will be billed and payable to HRS.

**Town of Orchard Park**

**Human Resources Simplified**

\_\_\_\_\_  
Supervisor Patrick Keem

\_\_\_\_\_  
Date

\_\_\_\_\_  
Gail A. Orffeo

TC

**RESOLUTION**

**WHEREAS**, the Town of Orchard Park Building Inspector's Department has been assigned a 2008 Ford Focus to be used by that department in the furtherance of its duties, and

**WHEREAS**, that 2008 Ford Focus now needs maintenance work at an expense incommensurate with the value of that automobile, and

**WHEREAS**, an acceptable replacement vehicle is available on the New York State bid, and

**WHEREAS**, the Town Board of the Town of Orchard Park is willing to declare the 2008 Ford Focus as salvage and is willing to authorize the purchase of a 2019 Ford Escape at the New York State bid price of \$22,957,

**NOW, THEREFORE, BE IT RESOLVED** that:

- 1) The 2008 Ford Focus presently assigned to the Building Department for its use is hereby declared salvage and is to be disposed of appropriately, and
- 2) The purchase of a 2019 Ford Escape VIN # 1FMCU9GD3KUC48944 from DeLacy Ford at the New York State Contract Bid of price of \$22,957 is hereby approved.





# TOWN OF ORCHARD PARK

## ENGINEERING DEPARTMENT

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

**Phone:** (716) 662-6425  
**Fax:** (716) 662-6488  
**Email:** [openg@orchardparkny.org](mailto:openg@orchardparkny.org)

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

August 30, 2019

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

**Re: Brush Mountain Community Activity Center – Kitchen Equipment Order**

Dear Board Members:

In preparing the plans and specification for the C.A.C., the Town retained BHS Foodservice Solutions to prepare a kitchen design and specify equipment suitable for the needs of the building and the user groups. They have completed the design and modified components, as requested by the senior groups, and the rough in work on site has been completed based on the appliances specified.

In order to ensure that the equipment can be delivered and installed prior to substantial completion of the building, the kitchen equipment should be ordered as soon as possible. BHS has provided a proposal for the equipment and installation for \$107,700.00. If accepted, per our original consultant agreement, the design fee will be reduced by 50%, approximately \$1,000.00 which will be received after the approval of the agreement.

The attached quote is at or below state bid pricing and requires 100% payment prior to the order being placed. There is presently funding allocated under Capital Projects AB004 for the Community Activity Center, and additional funding is being allocated into the accounts.

I, therefore, recommend that you authorize the Supervisor to sign an agreement with BHS Foodservice Solutions, 375 Commerce Drive, Amherst, NY 14228, to provide the kitchen equipment and installation services for the Brush Mountain Community Activity Center in an amount not to exceed \$107,700.00.

Respectfully submitted,

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

Attachment

cc: Town Clerk Wendel  
Town Attorney T. Malecki, Drescher & Malecki  
File #15.007



# TOWN OF ORCHARD PARK

## ENGINEERING DEPARTMENT

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

**Phone:** (716) 662-6425  
**Fax:** (716) 662-6488  
**Email:** [openg@orchardparkny.org](mailto:openg@orchardparkny.org)

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

August 30, 2019

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

**Re: Pleasant Acres West Subdivision  
Part 3 Phase 1; PIP #2019-01**

Dear Board Members:

We have received from Anastasi Trucking & Paving, 4430 Walden Avenue, Lancaster, New York, 14086, an application for a Public Improvement Permit to construct the Pleasant Acres West Subdivision Part 3 Phase 1.

The project consists of the installation of 1,550 L.F. of paving and curbing, 3,650 L.F. of drainage, 810 L.F. of sanitary sewer, 950 L.F. of waterline & 2 hydrants, five streetlights and well points, clay dams, fabric, geogrid, etc., to service fourteen home sublots as shown on the attached location map.

I have reviewed the plans and specifications 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, insurances, and the performance bond.

Due to NYSDEC Stormwater Phase II regulations, the Town has required the formation of a stormwater public improvement district, which was completed by the Town of Orchard Park Town Board for the entire Pleasant Acres West Subdivision.

I, therefore, recommend approval of Public Improvement Permit #2019-01 for the Pleasant Acres West Subdivision Part 3 Phase 1.

Respectfully submitted,

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

Attachment

cc: Town Clerk                      J. Bailey, Town Attorney                      M. Bradshaw,  
Town Assessor                      F. Piasecki, Highway Superintendent                      File # 94.051.5



# TOWN OF ORCHARD PARK

S.4295 SOUTH BUFFALO STREET  
ORCHARD PARK, NEW YORK

## MEMORANDUM

FROM: Richard J. Mrugalski, Emergency Manager

DATE: August 30, 2019

TO: Patrick J. Keem DDS, Town Supervisor

SUBJECT: **Complex Coordinated Terrorist Attack (CCTA) Program**

I hereby request authorization to attend a two-day exercise for Complex Coordinated Terrorist Attached to be held on October 1 and 2, 2019 at State Preparedness Training Center in Oriskany, New York.

Attached is an outline of the program. There is no cost for this training or lodging. There will be cost for tolls, fuel and meals. This will come out of the Emergency Management account for training.

cc: Town Clerk  
Town Engineer  
File



# TOWN OF ORCHARD PARK

TC

## MEMORANDUM

S.4295 SOUTH BUFFALO STREET  
ORCHARD PARK, NEW YORK 14127  
(716) 662-6432, ext. 2202

**DATE:** September 3, 2019

**TO:** Town Clerk, Remy Orffeo  
Kathy Swarbrick  
Building Inspector Steve Bremer

**FROM:** Rose Messina

**SUBJECT:** Item(s) for September 4, 2019 - TB Agenda

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**NEW BUSINESS:**

1. 3340 & 3320 North Benzing Road, Zoned I-1. (SBL#'s 152.13-3-23.3 & #152.13-3-24.2) Jay Pohlman, Esquire, representing "Buffalo & Orchard Park Top Soil, Inc.", Estate of Alan B Huegel, Owner. Requesting Town Board approval to rebuild a warehouse and office that were destroyed by fire.

TC

## **PUBLIC NOTICE**

### **30-DAY PERIOD FOR INCLUSION OF PREDOMINANTLY VIABLE AGRICULTURAL LANDS INTO EXISTING AGRICULTURAL DISTRICTS**

Per New York State Agriculture and Markets Law Section 303-b, the Erie County Legislature designated September 1 through September 30 as the annual thirty-day period during which landowners may submit requests to include predominantly viable agricultural land into an existing certified agricultural district.

Copies of the application form have been provided to Municipal Clerks, Assessors, and Chief Elected Officials for distribution to interested landowners. The application is also available on the DEP website at [www.erie.gov/environment](http://www.erie.gov/environment).

The Erie County Department of Environment and Planning will accept applications from September 1 through September 30. Any questions on this process should be directed to the Erie County Department of Environment and Planning.

A public hearing will also be scheduled at a later date to consider all inclusion requests and the recommendations of the Erie County Agricultural and Farmland Protection Board.

**CONTACT:**

Elias Reden, Planner  
Erie County Environment & Planning  
95 Franklin Street, 10<sup>th</sup> Floor  
Buffalo, NY 14202  
Phone: (716) 858-1911  
Fax: (716) 858-7248  
Email: [agriculture@erie.gov](mailto:agriculture@erie.gov)

# MEMO

COUNTY OF ERIE  
DEPARTMENT OF ENVIRONMENT AND PLANNING

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TO: Municipal Clerks  
Chief Elected Officials c/o Municipal Clerks  
Municipal Assessors c/o Municipal Clerks

FROM: Elias Reden, Planner

DATE: August 20, 2019

SUBJECT: AGRICULTURAL DISTRICT ANNUAL ENROLLMENT PERIOD

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In 2014, the Erie County Legislature designated September 1 through September 30 each year as the annual thirty-day period during which a landowner may request the inclusion of predominantly viable agricultural land into a certified agricultural district in accordance with Section 303-b of New York State Agricultural and Markets Law.

Landowners interested in agricultural assessment may also be interested in enrolling in an agricultural district at this time. We encourage you to provide this information to anyone expressing interest in this or other agricultural programs.

In order to make this information available to landowners in your municipality, we request your assistance with the following items:

- *Municipal Clerks* – Please post the enclosed public notice in a prominent location within the Town or Village Hall, and if possible, post on your municipality's web site.
- *Supervisors and Mayors* – Please read the enclosed public notice into the meeting minutes for any Town or Village Board meetings held between now and September 30 as part of the Board's record.
- Please provide a copy of the enclosed worksheet to anyone who requests it.

A copy of this form can also be found on our website at [www.erie.gov/environment](http://www.erie.gov/environment). Should any questions arise, please contact me by phone at (716) 858-1911 or by email at [agriculture@erie.gov](mailto:agriculture@erie.gov).

Thank you for your anticipated cooperation and attention to this matter.