A Special Session Meeting 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 29th day of January 2020 at 6:32 PM, (local time) and there were:

**PRESENT:** Patrick Keem Supervisor

Gene Majchrzak Councilmember

John Bailey Town Attorney

1) 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 call for a Special Session Meeting at 6:32 PM.

**The resolution was unanimously adopted.**

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

**WHEREAS**, the Contractors are currently finalizing punch list items and The Engineering Department is working closely with Wendel to ensure the finished product will meet all of the Town's needs. Some items were discovered through the punch list process and other items were discovered during the Code Enforcement Inspections and are required to obtain a certificate of Occupancy.

The work included is as follows;

Redundant Grounding in Wellness Rooms - $1,850.00   
GFI Breakers for water fountains - $1,748.00   
Additional occupancy sensors in corridors - $1,078.00   
Tamper proof receptacles in Child Watch - $373.00   
Additional Exit Sign in corridor - $1,660.00

LP2 light fixtures in multipurpose room - $970.00   
Additional 3-way switch in Directors office - $779.00

**WHEREAS**, this change order totals $8,458.00 and will increase IPL's total contract by to $1,940,786.55 representing a 0.44% increase, and

**WHEREAS**, in order to obtain the Certificate of Occupancy from the Building Inspector and maintain the move in date for the seniors of February 24th 2020, this work is required, and

**WHEREAS**, there is currently funding allocated under capital projects ABOO4 Brush Mountain Community Activity Buildings for this project work.

**NOW THEREFORE, be it**

**RESOLVED,** that the Town Board does hereby approve change order #11 to our contract with Industrial Power & Lighting Corporation 60 Depot St, Buffalo, NY 14206, correct punch list items and additional requested work in an amount of an increase of $8,458.00 for the Brush Mountain Community Activity Center Project as recommended by the Town Engineer, and be it further

**RESOLVED,** that the Town Board does hereby approve Change Order #11 for the IPL Corporation for the Brush Mountain Community Activity Center with the following stipulation;

Councilman Majchrzak suggested conditioning approval of the change order on the stipulation that the consultant’s portion of the amounts listed be withheld as identified by Town Engineer Wayne Bieler and Councilman Majchrzak relative to issues that would be considered Building Code violations in design.

With the above stipulation, the motion was unanimously approved.

**The resolution was unanimously adopted.**

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

**WHEREAS,** the Contractors are currently finalizing punch list items and The Engineering Department is working closely with Wendel to ensure the finished product will meet all of the Town's needs. Some items were discovered through the punch list process and other items were discovered during the Code Enforcement Inspections and are required to obtain a certificate of Occupancy.

The work included is as follows;

Three additional fire extinguishers and cabinets - $6,390.00

Aluminum coiling door at kitchen pass-thru window - $7,075.00

Reworking of the ceiling tile in the dance studio - $3,998.40

Additional finishing between phenolic panel and stone veneer systems - $6,000.00

Change out of door hardware for utility room #115 - $6,054.00

Base trim around reception desk - $4,100.00

Window shade in policing office - $790.00

Type "K" extinguisher in Kitchen - $800.00

Break metal to conceal Tyvek - $11,966.44

Window flashing support - $7,552.05

**WHEREAS**, this change order totals $54,725.89 and will increase Javen's total contract to $12,748,449.87 representing a 0.43% increase. In order to obtain the Certificate of Occupancy from the Building Inspector and maintain the move in date for the seniors of February 24th 2020, this work is required, and

**WHEREAS**, there is currently funding allocated under capital projects ABOO4 Brush Mountain Community Activity Buildings for this project work.

**NOW, THEREFORE, be it**

**RESOLVED,** that the Town Board does hereby approve change order #15 to our contract with Javen Construction Co., Inc., 2575 Baird Road, Penfield, NY 14526 to correct punch list items and additional requested work in an amount of an increase of $54,725.89 for the Brush Mountain Community Activity Center Project as recommended by the Town Engineer, and be it further

**RESOLVED**, that the Town Board does hereby approve Change Order #15 for Javen General Contract punch list and requested work.

Councilman Majchrzak suggested conditioning approval of the change order on the stipulation that the consultant’s portion of the amounts listed be withheld as identified by Town Engineer Wayne Bieler and Councilman Majchrzak relative to issues that would be considered Building Code violations in design.

With the above stipulation, the motion was unanimously approved.

**The resolution was unanimously adopted.**

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

**WHEREAS,** the Contractors are currently finalizing punch list items and The Engineering Department is working closely with Wendel to ensure the finished product will meet all of the Town's needs. Some items were discovered through the punch list process and other items were requested by Departments running activities in the new Center. Numarco has submitted three proposals for the work to be completed as follows;

Replace the funnel drain in the utility room - $138.81

Provide a child size toilet in the Child Watch room - $1,214.03

Replace the 2" dams on the roof drains with internal stand pipes - $4,859.37

**WHEREAS,** this change order will total $6,212.21 and increase Numarco's total contract to $638,614.51 representing a 0.97% increase, and

**WHEREAS,** in order to obtain the Certificate of Occupancy from the Building Inspector and maintain the move in date for the seniors of February 24th 2020, this work is required, and

**WHEREAS,** there is currently funding allocated under capital projects ABOO4 Brush Mountain Community Activity Buildings for this project work.

**NOW, THEREFORE, be it**

**RESOLVED,** that the Town Board does hereby approve the following resolution, approve the change order #6 to our contract with Numarco, Inc., 1021 Maple Road, Elma, New York 14059, for the replacement of the drain in the utility room, providing a child size toilet in the child watch area, and replacing the roof overflow dams with internal standpipes for a cost in an amount of an increase of $6,212.21 as recommended by the Town Engineer, and be it further

**RESOLVED**, that the Town Board does hereby approve Change Order #6 for Numarco Drain Cover.

Councilman Majchrzak suggested conditioning approval of the change order on the stipulation that the consultant’s portion of the amounts listed be withheld as identified by Town Engineer Wayne Bieler and Councilman Majchrzak relative to issues that would be considered Building Code violations in design.

With the above stipulation, the motion was unanimously approved.

**The resolution was unanimously adopted.**

5) 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 transfer of $35,000 from #AB007 “Municipal Building” to #AB010 “Animal Control”, and be it further

**RESOLVED**, that the Town Board does hereby approve the creation of Capital Account #AB011 “Sewer, Water, and Lighting Building Remodeling 2019", and be it further

**RESOLVED,** that the Town Board does hereby authorize the transfer of $110,000 from #WS002 “Water/Sewer Equipment” to #AB011 “SW&L Building Remodeling 2019", and be it further

**RESOLVED**, that the Town Board does hereby award the contract for the “OP Highway & Sewer, Water, and Lighting Buildings 2019 Remodeling Project” and the “Renovations to Animal Control Office” including alternates 1 and 2 to the lowest responsible bidder, Telco Construction, Inc., 500 Buffalo Road, East Aurora, New York 14052 in an amount not to exceed $392,545, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

On a motion made by Pat Keem, seconded by Gene Majchrzak with unanimous approval, the Special Session was closed at 6:42 pm.

Respectfully Submitted,

John Bailey

Town Attorney