

TL

PUBLIC NOTICE

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Orchard Park, on August 5, 2020 at 7:00 PM (local time) at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park New York 14127, regarding Local Law 4 for the Year 2020. This local law provides as follows:

Amending Chapter 144 "Zoning", Article VI, Special uses §144-46.1(E) Maximum Height of Buildings as follows:

§144-46.1 (E) Maximum Height of Buildings. The height of a building at any point shall be no more than 35 feet and 2 ½ stories.

Remy C. Orffeo
Town Clerk
July 15, 2020



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

TOWN ENGINEER
WAYNE L. BIELER, P.E.

August 3, 2020

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

**Re: Orchard Park – Renovations to Animal Control Office,
Highway and Sewer, Water & Lighting Buildings 2019 Remodeling Project**

Dear Board Members:

I am pleased to inform you that construction work on the Orchard Park – Renovations to Animal Control Office, Highway and Sewer, Water & Lighting Buildings 2019 Remodeling Project has been completed. A final inspection was conducted on Tuesday, July 28th at 2 pm and all of the work has since been satisfactorily completed in accordance with the contract documents and specifications.

The two-year maintenance bond in the amount of \$402,749.00 will be submitted along with the Affidavit of Release of Liens, Affidavit of Subcontractor Payment, NYS Grant MWBE paperwork and any other necessary legal documents. All of these items will be obtained and approved before the final check is released to Telco Construction.

Attached is a copy of the final payment request sheet / release of retention.

I, therefore, recommend that you approve and authorize the Final Payment / Release of Retention to Telco Construction Inc., 500 Buffalo Road, East Aurora, New York 14052 for the Orchard Park - Renovations to Animal Control Office, Highway and Sewer, Water & Lighting Buildings 2019 Remodeling Project in the amount of \$91,862.00.

Respectfully submitted,

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

Attachments

cc: Town Clerk
Town Attorney
OP Highway
OP Sewer
OP Animal Control
File # 19-003 & 19-009

Visit the Town's website at www.orchardparkny.org



TOWN OF ORCHARD PARK

ENGINEERING DEPARTMENT

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TOWN ENGINEER
WAYNE L. BIELER, P.E.

August 4, 2020

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

**Re: Final Dedication - Highcrofte Extension - Barrington Heights Part 2
PIP #2020-01**

Dear Board Members:

On July 30, 2020, a final inspection was conducted of the public improvements installed in the Highcrofte Extension, formally Barrington Heights Part 2. The project included the extension of Highcrofte Lane as shown on the attached location map. The completion of this Subdivision's Phase 2 will allow 3 new single-family residential lots to be developed.

All work has been satisfactorily completed in accordance with Town specifications with the exception of the barricade type of wood installed. We are in receipt of \$12,000 cash security for the barricade installations.

A two-year maintenance bond in the amount of \$40,000 has been submitted along with all other necessary documents.

The following is required by NYSDOT and will allow these new roadways to be included into the Local Highway Inventory (LHI) program, which is used to calculate Chips funding. I, therefore, recommend you adopt the following resolution:

WHEREAS, Highcrofte Lane extension was constructed as a Town street in accordance with plans and specifications prepared by Carmina Wood Morris, P.C.; and

WHEREAS, the lane extension is 0.04-miles in length and consist of a new drainage system, waterline, gutters, asphalt pavement, and street signage; and

Town Board Dedication letter
August 4, 2020
Page 2 of 2

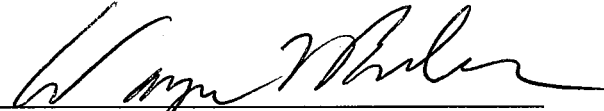
WHEREAS, construction of the Highcrofte Lane extension has been completed in accordance with as-built drawings and has been accepted for maintenance by the Town and is currently open to vehicular traffic for the public; now, therefore be it; and

RESOLVED, that the Highcrofte Lane extension shall be included in the 2020 Town Local Highway Mileage Inventory of Town Streets; and, be it further; and

RESOLVED, that New York State Department of Transportation is requested to include the Highcrofte Lane extension in the Town of Orchard Park's 2020 Inventory of Streets.

I, therefore, recommend that you authorize the Town Attorney to proceed with the dedication of the public improvements in the Highcrofte Extension - Barrington Heights Part 2 constructed under PIP #2020-01, and authorize the Town Clerk to release the bank check submitted in the amount of \$8,000.00 in lieu of a Performance Bond the performance security.

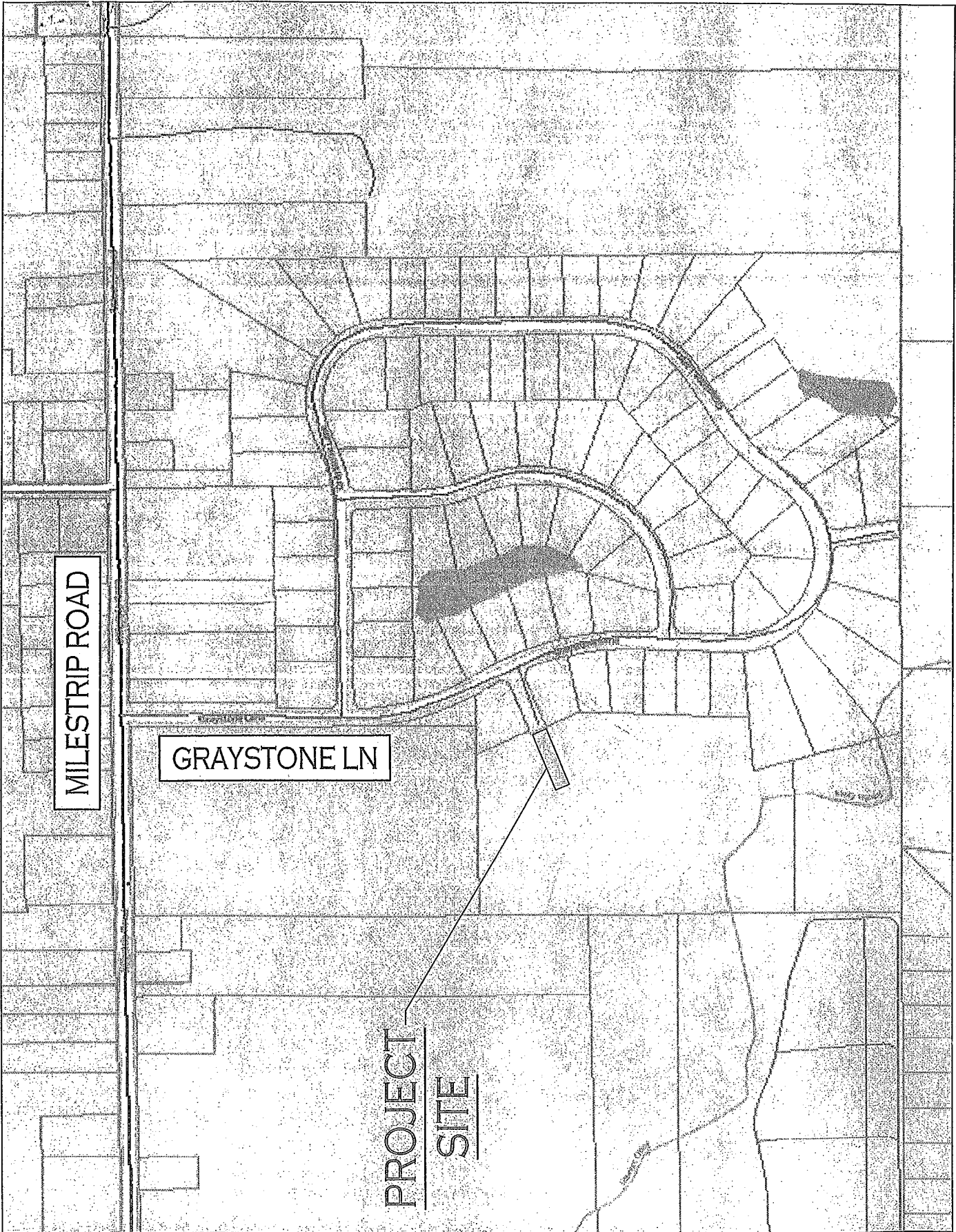
Respectfully submitted,



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

Attachment

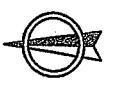
cc: Town Clerk
Highway Superintendent
Town Attorney
Building Inspector
Town Assessor
File #94.046.4



MILESTRIP ROAD

GRAYSTONE LN

PROJECT
SITE



LOCATION MAP

NOT TO SCALE



TOWN OF ORCHARD PARK

ENGINEERING DEPARTMENT

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

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TOWN ENGINEER
WAYNE L. BIELER, P.E.

August 4, 2020

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

**Re: Hazel Court Sanitary Sewer Extension Phase 2 Project
Release of the Performance Bond**

On July 30, 2020, a final inspection was conducted of the Hazel Court Sanitary Sewer Extension Phase 2 Project. The project included the installation of +/- 1,216 LF of 8-inch PVC sanitary sewer mainline along Southwestern Boulevard to service seven residences and two commercial businesses.

All work has been satisfactorily completed in accordance with Town specifications with the exception of over seeding with hydroseed and mulch along the properties when the weather permits this September. In lieu of receiving a cash security for this over seeding, we will continue to retain the contract's retention in the amount of \$10,334.15 until such time the work is deemed complete.

A two-year maintenance bond in the amount of \$206,683.01 has been submitted and this final Contract amount represents a decrease of 1.33% from the original amount bid.

I, therefore, recommend that you authorize the Town Clerk to release the performance security in the amount of \$209,453.50 to Fairway Contracting, Inc., for the Hazel Court Sanitary Sewer Extension Phase 2 Project.

Respectfully submitted,

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

cc: Town Attorney
Town Clerk
Tom Malecki, Drescher & Malecki
Fairway Contracting

File #2017.011

S:\Town Projects\Hazel Court Sanitary Sewer Connection\2017.011\Construction\Letter to TB for Project Closeout.doc

Visit the Town's website at www.orchardparkny.org



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TOWN ENGINEER
WAYNE L. BIELER, P.E.

August 4, 2020

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

**Re: Proposed Change Order #1 - No Cost Time Extension
Brush Mountain Community Activity Center
Grading, Seeding, & Landscaping Contract**

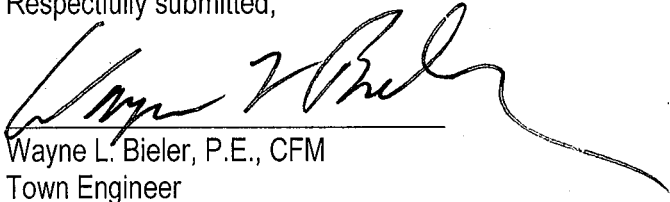
Dear Board Members:

As you are aware, the Community Activity Center Grading, Seeding, & Landscaping Project was bid and awarded to Pinto Construction. To date, they have successfully re-graded the area around the building, near California Rd, deposited fill and graded the field area adjacent to the pond, disposed of excess fill to Thorn Ave, have top soiled and seeded appx. 95% of the area immediately adjacent to the C.A.C., and are on track to meet the completion dates. Due to the unusually hot and dry weather experienced, this year they have had to water the seeded areas daily and the grass is beginning to grow. However, due to the unusual weather, they have also experienced a delay in shipping and receiving the trees and shrubs that are to be planted. Engineering has contacted the distributor previously and was aware of the possible delay.

As discussed at the July 15, 2020 Work Session, the contract, as awarded with two completion dates; July 31, 2020 for the area immediately surrounding the C.A.C. and August 28st for the balance of the work. Pinto has requested a time extension to the contract until August 28th, solely for the completion of the landscaping (tree & bush plantings) located adjacent to the front entrance of the C.A.C., and expects all other work to be completed on time. All trees and bushes are now planted as of August 2, 2020.

I, therefore, recommend that you approve Change Order #1, a no cost time extension until August 28, 2020, for the entire project to the contract for the Brush Mountain Community Activity Center Grading, Seeding, & Landscaping Project with Pinto Construction Services, 132 Dingens Street Buffalo, NY 14206.

Respectfully submitted,



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

Attachment

cc: Pinto Tom Malecki, Drescher & Malecki Town Attorney
Town Clerk File #15.007.3

Visit the Town's website at www.orchardparkny.org

WHEREAS, Scott Bieler, President of West-Herr Auto Group, for many years has actively supported the Orchard Park Community; and

WHEREAS, Scott Bieler has been financially supportive of the Orchard Park Buffalo Rochester & Pittsburgh (BR & P) Railway Depot; and

WHEREAS, the Western New York Railway Historical Society (WNYRHS) is grateful for the support Scott Bieler has provided the Railway Depot, and

WHEREAS, Scott Bieler has proposed a pedestal sign to be placed on Town of Orchard Park property parallel to South Buffalo Street and adjacent to the Scenic By-ways sign; and

WHEREAS, the Orchard Park Town Board directed Supervisor Patrick Keem and Town Clerk Remy C. Orffeo to inspect the placement of the pedestal sign; and

WHEREAS, the WNYRHS and Town of Orchard Park representatives have given their approval of the pedestal sign, its verbiage "Bieler Family Memorial, Orchard Park BR & P Railway Depot" and its placement

NOW, THEREFORE be it

RESOLVED that

The Town of Orchard Park Town Board gives its permission for a pedestal sign to be placed on town property parallel to South Buffalo Street and adjacent to the Scenic By-way sign

TC

RESOLVED, that the Orchard Park Town Board sets a public hearing for a local law to over-ride the Tax Levy limit established in General Municipal Law Section 3-c on August 19 at 7 PM in the municipal building, 4295 South Buffalo St, Orchard Park, NY 14127 and directs the Town Clerk to publish a legal notice of such public hearing in the official town newspaper.

JC

Remy Orffeo

From: John Bailey <jcbwny@aol.com>
Sent: Thursday, July 16, 2020 5:29 PM
To: supervisor.keem@orchardparkny.org; gmajchrzak@roadrunner.com; conortflynn@outlook.com; orffeor@orchardparkny.org
Subject: REVISED Local Law - Over-ride Tax levy
Attachments: LOCAL LAW FORM 2020 - Override tax levy limit REVISED.pdf

TO: Pat Keem
Gene Majchrzak
Conor Flynn
Remy Orffeo

FROM: John C. Bailey

DATE: July 16, 2020

RE: REVISED - Local Law - Over-ride Tax Levy limit established in General Municipal Law Section 3-c

Gentlemen:

Please see the attached Local Law for above captioned matter.

Remy, please schedule hearing for 8/5/2020 meeting agenda.

Thank you,

John

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

of Orchard Park

Local Law No. _____ of the year 20²⁰

A local law Town of Orchard Park to over-ride tax levy limit established in General Municipal Law
(Insert Title)
Section 3-c

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Orchard Park _____ as follows:

A local law to override the tax levy limit established in General Municipal Law Sec 3-c:

SECTION 1: Legislative Intent

It is the intent of this local law to allow the Town of Orchard Park to adopt a budget for the fiscal year commencing January 1, 2021 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law Sec 3-c.

SECTION 2: Authority

This local law is adopted pursuant to subdivision 5 of the General Municipal Law Sec 3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

SECTION 3: Tax Levy Limit Override

The Town Board of the Town of Orchard Park, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2021 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Sec 3-c.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____ (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____ (repassed after disapproval) by the _____ on _____ 20____.
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____ (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.



TOWN OF ORCHARD PARK

ENGINEERING DEPARTMENT

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

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TOWN ENGINEER
WAYNE L. BIELER, P.E.

August 4, 2020

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

Re: Bid Award
Cured-In-Place Pipe lining Contract

Dear Board Members:

The SW&L Dept. is continuing to perform video inspections of the Town's sanitary sewer infrastructure and has +/- 28,000LF completed to date. The truck has been out a total of 39 days since May 4th and has complete 120 sections of pipe. This puts them on track to complete about 60,000LF of inspections this year. As the videos and pipe condition assessment reports become available it is apparent that there are sections of pipe that will require immediate rehabilitation. Along with immediate needs, the continuous maintenance of the Town's sanitary sewer infrastructure is a top priority. To provide the best service at the most reasonable expense the Engineering Department is proposing to utilize cured-in-place pipe lining as a method to rehabilitate older infrastructure as an alternative to traditional, and more expensive, open cut direct replacement of the lines.

The Town of Orchard Park is listed on the current Erie County Division of Purchasing Contract for Cured-In-Place Pipe (CIPP) Rehabilitation and is able to award a contract with United Survey Inc., the County's contractor, in accordance with the Town's procurement policy. We have met with representatives of United Survey Inc., and they are amenable to executing a contract with the Town of Orchard Park. The Contract will be awarded with all of the included 36 bid items however; work orders will only be issued utilizing the necessary items. The County's standard specifications, technical specifications, and other contractual requirements, as included in the original bid package, will be utilized for this work.

The Engineering Department is proposing to award a not to exceed contract with United Survey Inc. in the amount of \$500,000 for the start of relining problem areas. The attached proposal indicates approximate quantities of work to be completed. Once awarded, the Town will issue individual work orders to the Contractor as pipe sections in need of rehabilitation are identified, approved, and bid items are needed. The first work order to be issued will be approximately 400 to 2,500LF of 8" asbestos pipe currently in disrepair along North Benzing Rd in an amount not to exceed \$80,000.

There is presently funding for the project, in capital account G0007, Sanitary Sewer Videoing and Relining in the amount of \$2,012,366. This will allow the Town to award up to \$500,000 in rehabilitation

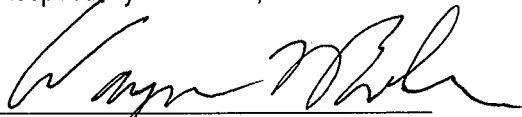
Visit the Town's website at www.orchardparkny.org

work as needed. Additional funding should be allocated to continue the rehabilitation as areas are identified.

I, therefore, recommend that you adopt the following resolutions;

- 1) Award the contract for Cured-In-Place Pipe Rehabilitation, as bid with the Erie County Division of Purchasing, to United Survey Inc., 25145 Broadway Ave, Cleveland, Ohio 44146, in the amount not to exceed \$500,000.
- 2) Approve work order No.1 for the CIPP Rehabilitation contract for 400 to 2,500 LF along North Benzing Rd.

Respectfully submitted,



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

Attachment

cc: United Survey Inc.
A. Slotman
Tom Malecki, Drescher & Malecki
Town Attorney
Town Clerk
File #15.007.3

**TOWN OF ORCHARD PARK ENGINEERING
CURED-IN-PLACE PIPE LINING CONTRACT**

**UNITED SURVEY INC.
BID PRICES**

**TOWN PROJECT No.
ERIE COUNTY CONTRACT #0.3.3.75**

**UNITED SURVEY INC.
AWARD DATE: AUGUST 5, 2020**

ITEM NO.	DESCRIPTION	UNIT	BID QUANTITY	UNIT COST	TOTAL COST
1	8" CIPP PIPE LINING	LF	12,000	\$32.00	\$384,000.00
	10" CIPP PIPE LINING	LF	800	\$34.00	\$27,200.00
	12" CIPP PIPE LINING	LF	800	\$36.00	\$28,800.00
2	REINSTATE LATERAL	EA	150	\$25.00	\$3,750.00
3	GROUT LATERAL CONNECTION	EA	5	\$750.00	\$3,750.00
4	8" CIPP SPOT REPAIR	EA	2	\$2,200.00	\$4,400.00
	10" CIPP SPOT REPAIR	EA	1	\$2,800.00	\$2,800.00
	12" CIPP SPOT REPAIR	EA	1	\$3,200.00	\$3,200.00
5	CLEAN & TELEWISE EXISTING SEWER	LF	1200	\$3.25	\$3,900.00
8	CONTINGENT ITEMS	EA	1	\$5,000.00	\$5,000.00
	CONTRACT TOTAL				\$466,800.00

NEW BUSINESS ITEM #3

BACK UP DOCUMENTS NOT RECEIVED.

Town of Orchard Park
Recreation, Parks, and Forestry Department
 200 North Lake Drive
 Orchard Park NY 14127
leake@orchardparkny.org (716) 662-6450 ext.1

8/5/20

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 summer seasonal for 2020.

RE: Item 1 2020 Summer Seasonal Part Time Staff Appointments retro-active 7/27/20 Camp Staff & Lifeguards

Maura Bleech	\$13.00	PT5-C (Att)
Olivia Bahun	\$13.00	PT5-C (Att)
Peyton Buell	\$13.00	PT5-C (Att)
Jody Burnard	\$16.00	PT7-C (Att)
Teagan Dodson	\$13.00	PT5-C (Att)
Alexa Hausauer	\$13.00	PT5-C (Att)
Kate Hinphy	\$13.00	PT5-C (Att)
Brandon Hoth	\$13.50	PT5-E (Att)
Grace Loughran	\$13.00	PT5-C (Att)
Lauren Lightcap	\$13.00	PT5-C (Att)
Sarah Nemec	\$13.00	PT5-C (Att)
Breanna Totaro	\$13.00	PT5-C (Att)
Rise Santillo	\$16.00	PT7-C (Att)
Kim Schmelzinger	\$15.00	PT6-D (Att)
Shelby Suto	\$13.00	PT5-C (Att)
Daucoda Ross	\$13.00	PT5-C (Att)
Olivia Vail	\$13.00	PT5-C (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

JC

**Resolution for Budget Amendment –
Funding of Insurance Deductible**

WHEREAS, the Town received an invoice relating to an insurance deductible in the amount of \$7,500, and

WHEREAS, the General-Risk Retention Fund has committed fund balance in the amount of \$380,430 for insurance deductibles available to pay the invoice referenced above, and

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the following amendments to the Town's 2020 budget in the General-Risk Retention Fund to provide funding:

General-Risk Retention Fund:

Increase appropriation accounts:

A21910 50557 General-Risk Retention Judgements and Claims \$ 7,500.00

Utilize Fund Balance:

A20000 30912 Unrestricted Fund Balance \$ 7,500.00

TC

Budget Transfer – Forestry

WHEREAS, there is a need for additional tree removal due to damage from previous storms and dead trees on town properties, and

WHEREAS, the estimated cost exceeds the amount budgeted for the fiscal year ended December 31, 2020, and

WHEREAS, the funding for these adjusted appropriations is expected to be available within other appropriation accounts in the Town's Forestry Department 2020 budget,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the following transfer:

Increase Appropriations:

A08560 50471	General – Forestry Tree and Stump Removal	\$14,302
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Decrease Appropriations:

A08560 50103	General – Forestry Salary Nonunion FT	\$14,302
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Budget Transfer – Tree Removal

WHEREAS, the Superintendent of Highways has needs to have trees removed in right of ways and,

WHEREAS, these expenditures were not included in the amount budgeted for the fiscal year ended December 31, 2020 under the Superintendent of Highways, and

WHEREAS, the funding for these adjusted appropriations is available within other appropriation accounts in the Town's 2020 budget,

NOW, THEREFORE, be it

RESOLVED that the Town Board hereby authorizes the following transfer:

Increase Appropriations:

A05010 50471 General – Supt of Highways – Tree and Stump Removal \$3,000

Decrease Appropriations:

A01910 50550 General – Contingency (\$3,000)



TOWN OF
ORCHARD PARK

TC
MEMORANDUM

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

DATE: July 27, 2020

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

FROM: Rose Messina

SUBJECT: Item(s) for August 5, 2020 - TB Agenda

NEW BUSINESS:

Please refer the following to the Planning and Conservation Boards for review & recommendation:

1. 10 Centre Drive, T Squared Putters, a subsidiary of Titan Instruments, located on the east side of Centre Drive, Zoned I-1, (SBL#161.19-1-1). Daryl Martin, Architect, is requesting a Special Use Permit for the expansion of this business with the addition of a practice putting green, game simulator, and a wet bar for drinks and light meals.

TC

PUBLIC NOTICE

The Supervisor of the Town of Orchard Park has filed the "*Comprehensive Annual Financial Report*" to the State Comptroller for the Fiscal Year ending December 31, 2019 in accordance with Article 3, Section 30 of General Municipal Law.

An Independent Auditors' Report by FreedMaxick, CPAs, P.C., was presented to the Town Board for approval.

A copy of the report is on file in the office of the Town Clerk and is available for public inspection during regular business hours.

Remy C. Orffeo
Town Clerk
Dated: July 30, 2020